

Eau Claire Comprehensive Plan 2015

Land Use and Growth Management Assessment



City of Eau Claire Wisconsin

Land Use and Development Assessment

Major Land Use and Growth Management Issues	4-1
Regional Setting	4-3
Prior Plans and Reports	
City of Eau Claire Comprehensive Plan, 2005	4-6
Intergovernmental Agreements with the Adjacent Towns	4-11
City of Eau Claire Zoning Regulations	4-14
City of Chippewa Falls Comprehensive Plan	4-15
City of Altoona Comprehensive Plan	4-16
Village of Lake Hallie Comprehensive Plan	4-17
Town of Brunswick Land Use Plan	4-19
Town of Union Land Use Plan	4-23
Town of Wheaton Land Use Plan	4-26
Town of Seymour Land Use Plan	4-29
Town of Washington Land Use Plan	4-33
Eau Claire County Land Use Plan and Zoning	4-37
Chippewa County Land Use Plan	4-38
Chippewa Falls / Eau Claire Sewer Service Area Plan for 2025	4-39
Land Use and Development in Eau Claire	4-40
Natural Resources as they Guide Development	4-49
Annexation	4-51

Appendices

A Development by the Numbers	4-53
B Forecast of Acreage Needed for Residential Development from 2014 to 2030	4-55
C Summary of Wisconsin Annexation Powers of a City	4-57
D Extra-territorial Approval Powers of a City	4-58
E Wisconsin Statute 66.0301, Intergovernmental Cooperation	4-59
F Wisconsin Statute 66.0305, Political Subdivision Revenue Sharing	4-62
G Wisconsin Statute 55.0307, Boundary Change Pursuant to an Approved Cooperation Plan	4-64

List of Figures

Figure 4-1: Regional Location	4-4
Figure 4-2: Land Use Plan Map from the 2005 Comprehensive Plan	4-10
Figure 4-3: City of Chippewa Falls Land Use Plan Map, 2012	4-15
Figure 4-4: City of Altoona Comprehensive Land Use Plan Map	4-16
Figure 4-5: Village of Lake Hallie Comprehensive Land Use Plan Map	4-18

Table of Contents

Figure 4-6:	Town of Brunswick Location and Growth Management Areas	4-19
Figure 4-7:	Brunswick Land Use Pattern, 2012	4-20
Figure 4-8:	Land Use Plan for Brunswick, 2011	4-22
Figure 4-9:	Town of Union Location and Growth Management Areas	4-23
Figure 4-10:	Union Land Use Pattern, 2012	4-25
Figure 4-11:	Land Use Plan for Union, 2010	4-25
Figure 4-12:	Town of Wheaton Location and Growth Management Areas	4-26
Figure 4-13:	Wheaton Land Use Pattern, 2011	4-27
Figure 4-14:	Land Use Plan for Wheaton, 2011	4-28
Figure 4-15:	Town of Seymour Location and Growth Management Areas	4-29
Figure 4-16:	Seymour Land Use Pattern, 2012	4-30
Figure 4-17:	Land Use Plan for Seymour, 2011	4-32
Figure 4-18:	Town of Washington Location and Growth Management Areas	4-33
Figure 4-19:	Washington Land Use Pattern, 2012	4-34
Figure 4-20:	Land Use Plan for Washington, 2011	4-36
Figure 4-21:	Pattern of Land Use, 2014	4-41
Figure 4-22:	Pattern of Land Use in Central Eau Claire, 2014	4-43
Figure 4-23:	Sectors for Land Use Description	4-44
Figure 4-24:	Annexation Locations	4-52
Figure 4-25:	Land Use Statistical Sectors	4-53

List of Tables

Table 4-1:	Critical Land Needs Identified in the 2005 Plan	4-6
Table 4-2:	Summary of Land Development in the Sewer Service Area of the Town of Brunswick.....	4-21
Table 4-3:	Summary of Land Development in the Sewer Service Area of the Town of Union.....	4-24
Table 4-4:	Summary of Land Development in the Sewer Service Area of the Town of Wheaton	4-27
Table 4-5:	Summary of Land Development in the Sewer Service Area of the Town of Seymour.....	4-31
Table 4-6:	Summary of Land Development in the Sewer Service Area of the Town of Washington	4-35
Table 4-7:	Land Use by Classification, 2013	4-40
Table 4-8:	Acres Annexed by Sector, 2003 to 2012, Annual Averages	4-51
Table 4-9:	Housing Development Activity by Sector and Type, 1980 to 2012	4-54
Table 4-10:	Housing Units by Planning Sector, 1990, 2010 and 2012	4-54
Table 4-11:	Forecast of Eau Claire Acreage Growth, 2015 to 2030	4-55
Table 4-12:	Housing Acreage Forecast to Be Needed from towns, 2014 – 2030	4-56

Land Use and Growth Management

This section of the Analysis of Condition of the *Eau Claire Comprehensive Plan* describes the pattern of land use and development with reference to the factors and forces that may influence the future pattern and policies. It reviews plans and policies of Eau Claire and of adjacent Towns, City and Village. The section begins with a description of the major land use and growth management issues.

Major Land Use and Growth Management Issues

These are the major land use and growth management issues identified through the analysis of conditions. Issues are questions to be discussed, debated and resolved during the planning process in light of the other issues.

- 1. Neighborhoods:** What land use changes, if any, should be pursued in order to promote continued investment and residency in the older neighborhoods of Eau Claire?

Most of the locations that were zoned in decades past for higher density housing have been adjusted downward following neighborhood plans that were adopted in the 1990s and 2000s. There are still a few locations that pose of non-residential concern to the stable housing stock and a few locations where attached housing or commercial development would be suitable. However, neighborhood difficulties stem not so much from the pattern of land use as from the condition of the buildings and sites.

- 2. Downtown:** What should be the next major step forward for Downtown? Should the City participate financially in redevelopment east of North Barstow Street? Should the City acquire additional floodplain housing on the western bank of the Chippewa River along First Avenue for a linear park and trail?

Downtown Eau Claire seems to have “turned the corner” with the redevelopment of the North Barstow District and, possibly, the Haymarket site, the creation of new riverfront parks, the reconstruction of Barstow Street and Graham Avenue, and added investment at the Mayo Hospital.

- 3. Riverfronts:** How should the remaining major potential changes be handled, such as the Oxford Street corridor, the Menomonie Street corridor and the vicinity of American Boulevard and Short Street?

Eau Claire has demonstrated a commitment to appropriate riverfront land development, including linear public parks and trails, and open space in the floodplain. Challenges remain, but the beneficial effects of planned improvements on nearby neighborhoods and the entire region could be great.

4. **Economic Development, Jobs and Income:** What land use, zoning and development policy changes should be made to help promote economic development in Eau Claire?

5. **New Neighborhood Design:** Should the City require that new residential areas be designed with many of the features of the older neighborhoods such as sidewalks, street trees, a mixture of housing types, narrow streets, short front setbacks and garages located to the rear?

The City guides the design of new neighborhoods through its zoning and subdivision ordinances because the appearance and function of the neighborhoods affects long-term property values and quality of life. Some people advocate narrower streets, use of sidewalks and street trees, interconnected streets, and reduced visual effects from garage doors.

6. **Commercial Growth:** How much land should be planned and zoned for retail business development? Should multiple-family housing be allowed in certain commercially-zoned locations?

An insufficient amount of land zoned for retail business may lead to the loss of potential tax base and excessive driving to shops. On the other hand, over-zoning for business, a common occurrence, would cause land to be underutilized or stand vacant. Some land zoned for commercial development in the northwestern quadrant stands idle but not necessarily because of excess supply. Some commercial locations are well suited for apartments, but this would be a new idea for Eau Claire.

7. **General Redevelopment:** How proactive should the City be in encouraging redevelopment?

In some key locations, redevelopment occurs only with the involvement of a public agency, as site acquisition and preparation is very expensive. The City continues to be financially involved in the redevelopment of the North Barstow District, a project that is already paying dividends. The level of risk that the City (and possibly other agencies) are willing to take to effect changes in critical locations is a matter of public policy.

8. **Oakwood Mall and Vicinity:** Should the City promote more intensive development around the shopping mall that may eventually include multi-story office buildings, multiple-family housing, mixed-use development and structured parking?

9. **Jurisdictional Boundary with the City of Altoona:** Where should the future municipal border be located between Eau Claire and Altoona east of US 53?

Possible demarcation lines include Otter Creek and Prill Road.

10. **Annexation of Town Peninsulas:** Should the City act to encourage annexation of properties in the peninsulas of the town of Washington?

Two portions of the Town of Washington form peninsulas that jut into the jurisdiction of the City. City sewer and water services are provided to many of those properties under agreements negotiated in 1981. . The southeastern peninsula is very long, narrow and gerrymandered.

Regional Setting

Eau Claire (French for “clear water”) is strategically located at the confluence of the Eau Claire and Chippewa Rivers and began as a lumbering settlement in the 1840s. Eau Claire County was then the site of one of the largest stands of white pine in North America. After the depletion of the timber resources, dairy farming replaced lumbering as the main economic activity in the county and the city grew to become the major center for health and professional services, education, retail trade and industry in west central Wisconsin.

Today, the population of the Eau Claire Metropolitan Area is approximately 120,000. It is surrounded by fertile agricultural land, remnants of the great pine forest and scenic lakes and rivers.

The Cities of Eau Claire and Chippewa Falls, once separated by farmland, are beginning to grow together along the new US Highway 53 freeway corridor. The Village of Lake Hallie is growing in size and economic importance, partially as a result of its location near the intersection of the new US 53 freeway and the upgraded Wisconsin Highway 29, the major route across the state between Green Bay and Minneapolis-St. Paul. (Refer to Figure 4-1, Regional Location.)

Important tools for managing growth in this metropolitan area will include the Intergovernmental Agreements with each of the five adjacent Towns, platting and land use regulations in the Sewer Service Area (SSA) around the City.

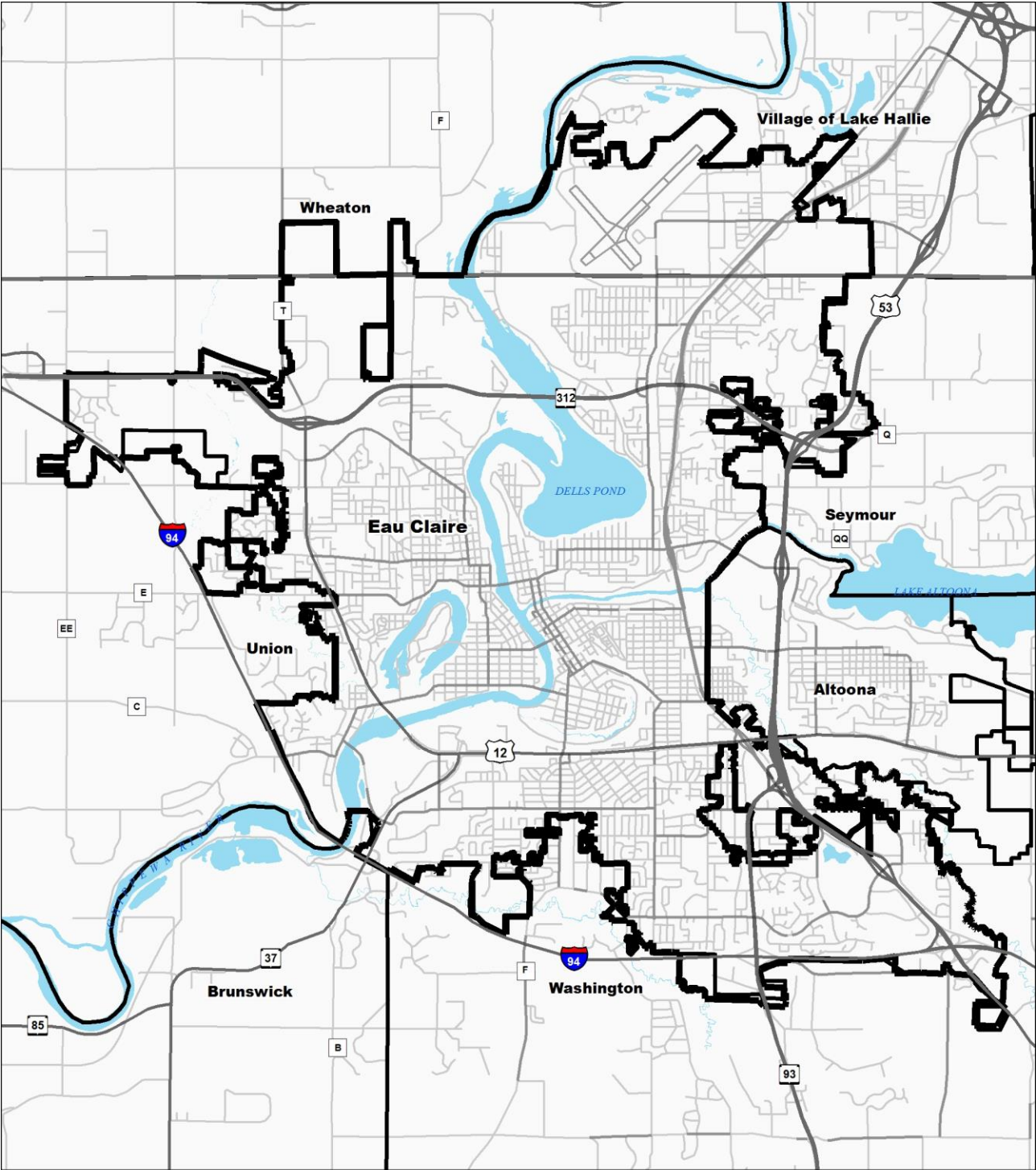
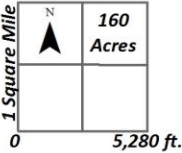


Figure 4-1
Regional
Location



Plans or Regulations by the City of Eau Claire

City of Eau Claire Comprehensive Plan, 2005

The 2005 *Comprehensive Plan* updated the policies of its 1993 predecessor and:

- Updated and expanded the pattern for future land use
- Added or adjusted the planned alignments for some minor arterial or collector roads
- Reflected the commitment to create a new alignment for US 53 east of Eau Claire and to rebuild and turn back to the City the previous highway
- Included a more assertive approach to fringe growth management
- Became more explicit about neighborhood and other urban design policies
- Incorporated plans for the Downtown and the North Barstow District
- Included newly-adopted policies regarding surface water management
- Continued to emphasize downtown redevelopment
- Sought to improve intergovernmental relations
- Continued to address all of the elements required by the Wisconsin Comprehensive Planning Law.

The plan was based on the work of a 30-person committee that studied three distinct alternative growth concepts:

- 1. Lead in Regional Growth Management:** Take a lead role in shaping and promoting an integrated growth pattern for the City and the greater metropolitan region.
- 2. Plan for the Cost-Effective Fringe Growth:** Prepare a plan that leads to cost-effective growth in the Sewer Service Area.
- 3. Minimize Costs:** Minimize costs for City services and facilities and take a “hands-off” approach to growth management.

A vision statement and conceptual plan were adopted after thorough public discussion of the alternative scenarios. Each element of the *Comprehensive Plan* was designed to implement that vision statement. The land use issues identified as critical to achieving the community vision are listed below along with an assessment of the City’s progress on each.

The 2005 plan was a landmark in the history of planning for Eau Claire and deserved the award bestowed by the Wisconsin Chapter of the American Planning Association.

It is evident that much progress has been made and the prior plan has been instrumental in guiding the growth of the community. Work remains to be done, particularly in the topic of neighborhood revitalization, but it appears that the time may be ripe for progress there. This plan update will provide the needed “mid-course” corrections.

Table 4-1
Critical Land Use Needs Identified in the 2005 Plan

Land Use Need	Progress Since 2005
Halt semi-rural platting in the path of urban growth	Negotiated intergovernmental agreements that set the overall base density standard at 1 residential lot per 10 acres in the Urban Sewer Service Area. This was a major accomplishment and a landmark in growth management for the City of Eau Claire and the region.
Retain control over the sanitary sewer system	Adopted plans that stated that sewer service would be extended only to property in the City or subject to a boundary agreement.
Adopt a wise pattern for fringe development	Adopted land use plans for the Urban Sewer Service Area that apply to annexed properties.
Continue to revitalize Downtown	Approved several residential, commercial, mixed-use or public buildings in the four quadrants of Downtown.
Continue to improve use of the riverfronts	Adopted a new and expanded riverfront plan. Planned redevelopment along Oxford Street. Opened Phoenix Park and North Riverfront Park. Added riverfront paths.
Build new neighborhoods in a walkable style	Fewer housing starts have limited progress on this topic.
Plan a more balanced pattern of retail commercial growth	Most commercial growth continues to occur in the southeast quadrant of the city.
Protect the traffic function of arterial road corridors	Birch–Madison Streets, Hastings Way, Menomonie Street, Third Street and Clairemont Avenue have been improved and function nicely.
Restrict development from steep slopes	New regulations in the zoning ordinance are being used.
Ensure a strong role for the plan	The plan enjoys the support of elected and appointed officials and City staff.

Land Use Goals from the 2005 Plan

Objective 1 – Sustainable Growth: Grow by investing in established areas, carefully planning new neighborhoods, providing attractive public amenities and protecting environmental resources.

Objective 2 – The Land Use Plan Map: Regulate land use consistently with the Land Use Plan map, Figure 18-1 and the policies of this plan.

Objective 3 – Perimeter and Regional Growth: Achieve compact and cost-effective perimeter growth for the long-term future.

Objective 4 – Residential Neighborhood: Reinforce or create neighborhoods with a diversity of housing, attractive public spaces, compatible land uses and a sense of identity.

Objective 5 – Riverfronts and Stream Corridors: Guide riverfront land use to river-dependent industries, parks, housing, offices and hospitality businesses.

Objective 6 – Major Roadway Corridors: Plan land use along its major road corridors in a manner supportive of the functional classification of the road.

Objective 7 – Environmental Resources: Safeguard and improve environmental features as a means of promoting sustainable urban development, revitalization and quality of life.

Objective 8 – Redevelopment: Restore underutilized urban and riverfront properties to viable commercial, residential or recreational opportunities.

Objective 9 – Inappropriate Land Use: Reduce land use conflicts through redevelopment of blighted, vacant or underutilized properties, enhanced buffering or screening, and improved building and site design.

Objective 10 -- Economic Development: Plan locations for light and heavy industries, offices and retail businesses.

Objective 11 – Municipal Expansion: Work to maintain a well-planned and fiscally sound community by including all appropriate land areas within the City boundaries.

Objective 12 – Local and Regional Investments: Invest in public facilities so as to maximize their impact, minimize duplication and advance the other objectives of the comprehensive plan.

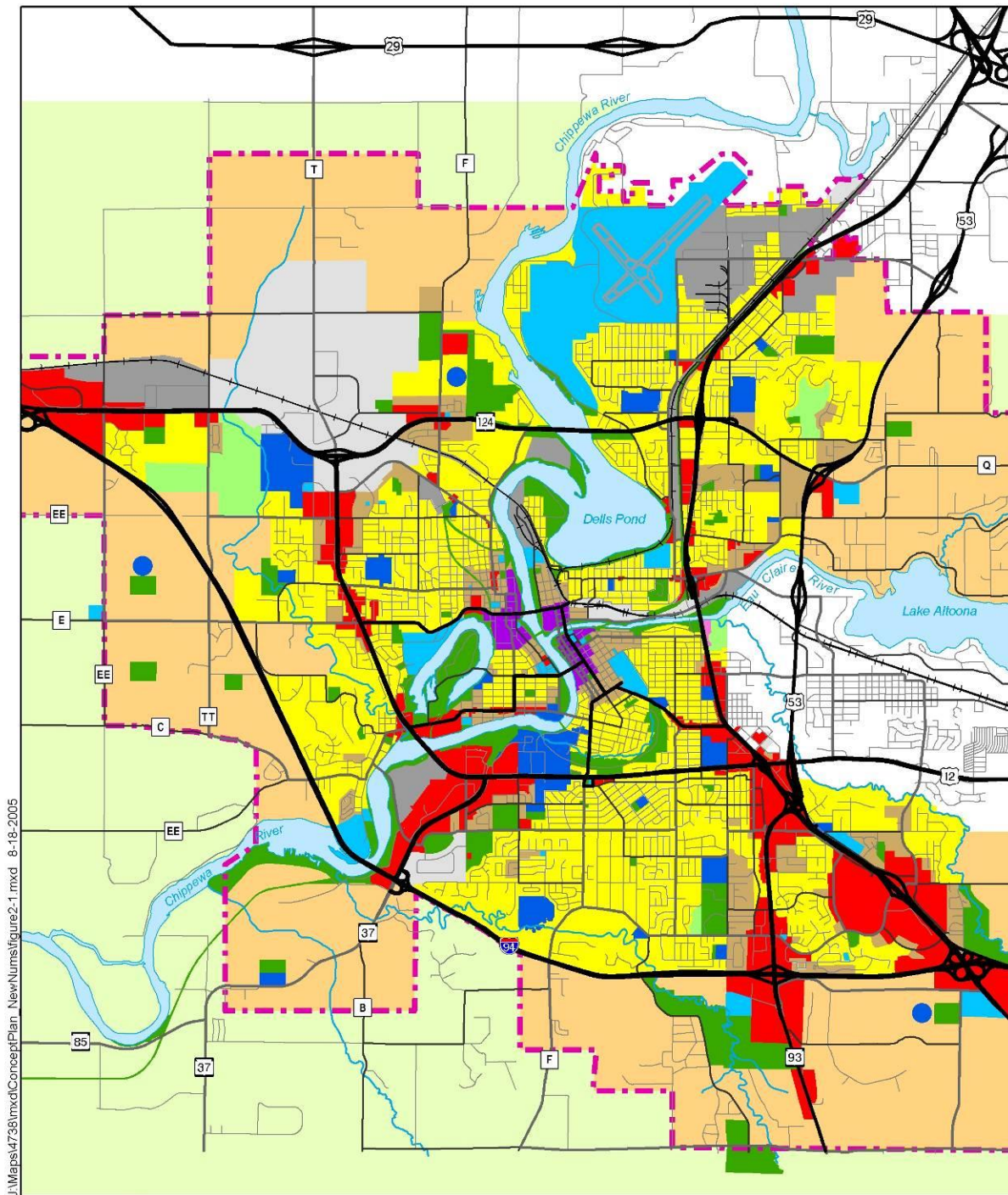
Objective 13 – Regional Planning: Build regional land use planning relationships that help accomplish the *Eau Claire Comprehensive Plan*.

Objective 14 – Land Use Plan Implementation: Use this plan as a basis for reviewing development applications, as a guide for neighborhood or district plans, and as the foundation for amending the City's zoning and subdivision ordinances.

Growth Management Policies of the 2005 Plan

The 2005 plan centered on preventing the City from becoming landlocked and not being able to grow as a compact urban area. Key policies were:

1. **Compact and Contiguous Growth:** Guide growth in Eau Claire to locations either contiguous to or within presently urbanized areas. Land use should be either urban and compact or rural and very low density.
2. **New Neighborhoods:** Include in new neighborhoods a variety of types of housing (both detached and attached).
3. **Activity Centers:** Work to intensify the pattern of land use in certain parts of the city called Activity Centers. The primary Activity Centers were:
 - County Courthouse District
 - Historic Waterfront District
 - North Barstow District
 - Luther-Midelfort (Mayo) Medical Center District
 - Multi-campus complex area of the University of Wisconsin-Eau Claire upper campus, Chippewa Valley Technical College, Sacred Heart Hospital, Marshfield Clinic, nearby medical offices and commercial buildings
 - Oakwood Mall vicinity
 - Gateway Business Park
 - South Point Shopping Center area
4. **Growth Management Areas:** Manage growth in and around Eau Claire using policies and regulations tailored for each of these areas:
 - Existing Urban Area
 - Sewer Service Area
 - Extraterritorial Review Area
5. **Existing Urban Area:** Seek to maximize infill development in the Existing Urban Area.
6. **Non-Sewered Development:** Permit land divisions for residential purposes based on an overall base density standard of one single family lot per 10 acres in the Sewer Service Area, unless a lesser minimum lot size is allowed through a cooperative boundary plan agreement or an intergovernmental agreement, or unless an exception is granted based on adopted criteria.
7. **Commercial or Industrial Development:** Allow subdivision of lots for new commercial or industrial development in the Sewer Service Area or Extraterritorial Review Area only upon annexation and connection to City sewer and water lines, or through a cooperative boundary plan agreement.
8. **Rural Area:** Acknowledge that the Towns and Counties will regulate land uses in the Rural Area.
9. **Extraterritorial Zoning:** Seek to enter into intergovernmental agreements to establish extraterritorial zoning for designated areas in the Sewer Service Area.



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Proposed Urban Sewer Service Area Boundary

Planned Land Use

Future Neighborhood

Low Density Housing

Medium & High Density Housing

Commercial

Mixed Use

Downtown

Light Industry

General Industry

School

Public Facility

Park

Golf Course

Agriculture or Very Low Density Housing

Potential School Location

**Figure 4-2:
Land Use Plan Map from the
2005 Comprehensive Plan**

Intergovernmental Agreements between the City and the Towns

Subsequent to the adoption of the 2005 *City of Eau Claire Comprehensive Plan*, the City negotiated an agreement with each of the five adjacent Towns. The agreements were nearly identical with one another and included the following provisions. The City's statutory ability to review and approve or disapprove alnd subdivisions within 3 miles of its border was key to achieving these break-through pacts. The City was able to reduce the threat of being encircled by semi-rural lots that could not be urbanized and the towns each gained greater certainty about their future borders, land use patterns and agricultural protection.

This statement from the Intergovernmental Agreement captured the reason for and purpose of extra-territorial growth management:

“The Parties recognize and acknowledge that the City has a legitimate role in ensuring that areas within the SSA are carefully planned and developed. It is anticipated that at some point in the future, these lands will be annexed and attached to the City's public utility systems.

It is reasonable that the City require that residential areas within the SSA be developed in general accordance with the City's comprehensive plan, municipal ordinances, and design standards. The Parties recognize that haphazard or premature development in these areas could prevent efficient use of the land resource and inhibit efficient and cost-effective delivery of urban services.”

Policies for Residential Land Division in the Sewer Service Area

The amended plan states that the following standards for residential land division apply in the regional **Sewer Service Area**:

- Land divisions for residential purposes shall be permitted based on an overall base density standard of **one single family lot per 10 acres**
- Proposed lot layouts shall provide for the future **efficient resubdivision** for urban densities and the efficient extension of public streets and utilities to the site when they become available.

Exceptions to those standards will be considered for (1) infill lots, (2) lots that cannot be reasonably served with City utilities because of natural barriers or cost and (3) lots in an area subject to a Cooperative Boundary Agreement.

1. Infill Lots: The proposed lots are infill lots that meet the following criteria:

- a. The proposed lots are in areas that have been previously divided into smaller lots.
- b. The proposed lots cannot be reasonably served with city utilities due to natural barriers, i.e., creeks or hills, man-made barriers, major highways, or significant existing development.
- c. It would be cost prohibitive to serve the proposed lots with City utilities.
- d. Creating the proposed lots is a means of lessening development pressure on larger tracts of land outside the SSA.
- e. The proposed lots must be created by a Certified Survey Map (4 lots or fewer).
- f. The proposed lots must be reasonably consistent in size with the existing adjacent lots.

2. Shared Private Utilities

If the proposed lots will be served by a sewer connected to a common wastewater treatment system approved under COMM 83, Wisconsin Administrative Code, all sewer mains, trunk, and lateral lines must meet City of Eau Claire standards for such facilities. If the proposed lots will be served by a community water supply system approved under NR 811, all water lines and mains must meet City of Eau Claire standards for such facilities. The lots must meet the access and lot design standards of the City of Eau Claire and the respective Town.

The proposed lot layout for the overall parcel must provide for efficient re-subdividing for urban densities and cost-effective and orderly extension of public streets and utilities when public utilities become available to the site.

In addition, the property must be part of a cooperative boundary agreement approved pursuant to § 66.0307 Wis. Stats., requiring the current owner and any future owner of the divided lots to annex to the City of Eau Claire at the time that any adjoining contiguous parcel is annexed or petitions to annex, and when public sanitary sewer service and public water supply are available from the City of Eau Claire.

3. Cooperative Boundary Agreement

Higher densities are allowed for property that is part of a cooperative boundary agreement. Such agreement would require the current owner and any future owner of the divided lots to annex to the City of Eau Claire when any adjoining contiguous parcel is annexed or petitions to annex and when public sanitary sewer and water services are available from the City of Eau Claire.

Policies for Residential Land Division Outside the Sewer Service Area

Outside the Sewer Service Area but within the three-mile **Extra-Territorial Plat Approval Jurisdiction** (ETJ), residential lots must be at least 2 or 5 acres in size, depending on zoning.

General Criteria. The Town shall consider the following criteria in its review of proposed residential land divisions outside the Sewer Service Area but within the Extra-Territorial Plat Approval Jurisdiction:

- Each lot shall meet health code requirements for on-site sewage treatment and private water wells.
- The proposed lot layout for the overall parcel shall locate houses and other structures on building sites that have the least impact on environmentally sensitive areas and are less well suited for farming and agricultural uses.
- The remainder of the overall parcel not developed with lots and roads shall require a conservation easement or other form of protection precluding further development until such time as urban services can be provided.
- The proposed lot layout for the overall parcel shall provide for future efficient resubdivision for higher urban densities.

Residential Subdivisions Outside the SSA but in the ETJ. Areas outside the SSA but within the the City’s Extra-Territorial Jurisdiction (ETJ) are not anticipated to be annexed or connected to the City of Eau Claire’s public utilities.

Development in these areas is expected to be served by individual private septic systems and wells for the foreseeable planning future. Development in these areas will be regulated by the Town comprehensive plan, as amended, and applicable ordinances of the Town and the County.

Land divisions for residential purposes will be permitted based on the following overall base density standards and land use classifications as depicted in the ETJ Future Land Use Map and as described below:

- 1. Residential Areas:** In the Rural Residential and Rural Residential Cluster planning areas, the maximum base density is one dwelling unit per two acres.
- 2. Rural Areas:** In the Rural Preservation and Rural Transition planning areas, the maximum base density is one dwelling unit per five acres.

The Town shall consider the following criteria in its review of residential land divisions outside the Sewer Service Area but within the Extra-Territorial Plat Approval Jurisdiction:

- **Private Utilities:** Each lot shall meet health code requirements for on-site sewage treatment and private water wells.
- **Building Locations:** The proposed lot layout for the overall parcel shall locate structures on building sites that have the least impact on environmentally sensitive areas and are less well suited for farming and agricultural uses.
- **Comprehensive Plan:** The proposed land division shall be consistent with the comprehensive plan of the respective Town.

Exceptions to base residential density standard outside the Sewer Service Area but within the Extra-Territorial Plat Approval Jurisdiction (ETJ) shall be considered according to these criteria:

- 1. Infill Lots:** The proposed lots are infill lots that meet the following criteria:
 - a. The proposed lots are in areas that have been previously divided into smaller lots.
 - b. The proposed lots must be created by a certified survey map (4 lots or less).
 - c. The proposed lots must be reasonably consistent in size with the existing adjacent lots.
 - d. Creating the proposed lots is a means of lessening development pressure on larger tracts of land.
- 2. Conservation Subdivision:** The proposed lots are in a conservation subdivision that is regulated and approved under the Conservation Subdivision Ordinance of Eau Claire County and meets the following criteria:
 - a. Proposed lots in areas classified as Rural Preservation and Rural Transition, as depicted on the ETJ Future Land Use Map, shall not exceed a maximum density of 1 single-family lot per 5 acres of potentially developable land with minimum lot sizes

not less than 1 acre. “Potentially developable land” is defined as privately-owned land that is outside any WDNR delineated wetland or FEMA delineated 100-year floodplain and has less than a 12 percent slope.

- b. Proposed lots in areas classified as Rural Residential and Rural Residential Cluster, as depicted on the ETJ Future Land Use Map, must have a minimum lot size of at least 1 acre and at least 40 percent of the potentially developable area within the parent parcel must be placed under a conservation easement or comparable protection.

3. Cooperative Boundary Agreement: The proposed lots are in an area subject to an intergovernmental agreement or cooperative boundary agreement between the City of Eau Claire and the Town and the proposed lots are consistent with such intergovernmental agreement or cooperative boundary agreement.

Commercial or Industrial Land Divisions Within the ETJ

Non-residential land divisions within the SSA are regulated on the basis of land use and lot size and dimensions under existing zoning and subdivision codes. Properties may be rezoned to commercial or industrial districts when consistent with the ETJ Future Land Use Map. Changes to this map require the concurrence of both the City and the Town.

Non-residential land divisions outside the SSA shall be regulated on the basis of land use and lot dimensional requirements in County and Town regulations and plans. The following general policies shall apply to non-residential development:

- The preferred commercial uses in rural areas are agricultural-related uses, such as veterinarian clinics, greenhouses/nurseries, or agricultural implement dealers.
- Industrial and commercial development shall be encouraged to locate near incorporated areas, existing business developments, or along collector and arterial roadways.
- When rezoning is requested, only that portion of land necessary for the contemplated use shall be rezoned.

Adjustments to the Future ETJ Land Use Plan

Within areas classified as Rural Transition classification, new development shall be limited in accordance with all policies applicable to the Rural Preservation classification. However, when at least 75 percent of the lots in the Rural Residential and Rural Residential Cluster classifications have been developed and occupied, the respective Town and the City agree to reclassify a mutually agreed upon portion of the area designated Rural Transition to Rural Residential or Rural Residential Cluster classifications. The specific areas to be reclassified will be determined jointly by the respective Town and the City at the time the 75 percent threshold is reached.

Other adjustments to the ETJ Future Land Use Plan during the term of the Intergovernmental Agreement require concurrence from the City of Eau Claire.

City of Eau Claire Zoning Regulations

The City of Eau Claire has a code of land development regulations that are adequate to achieve many if not all of its objectives. This plan update might suggest additional improvements, however. The ordinance includes:

- Residential districts for a variety of housing types and densities
- A district that allows traditional neighborhood design, including a mixture of land uses, narrower streets, alleys and shorter setbacks.
- Several commercial and industrial districts
- Districts for the protection of wetlands, floodplains, steep slopes and other significant natural features, which are used in conjunction with the conditional use regulations and the floodplain, shoreland and wetland regulations.
- Site plan regulations
- Landscaping regulations
- Multiple-family housing design guidelines
- A planned development overlay district, which is used for most development projects and ties the zoning of the property to the proposed development.

Nearby City and Village Plans

The land use plans for the two nearby Cities and one adjacent Village are summarized below.

- City of Chippewa Falls 4-15
- City of Altoona 4-16
- Village of Lake Hallie 4-17

City of Chippewa Falls Comprehensive Plan

Chippewa Falls is separated from Eau Claire by the Village of Lake Hallie but is the second largest community in this metropolitan area. It is centered on the confluence of the Chippewa River and Duncan Creek and borders the large and beautiful Lake Wissota. Chippewa Falls is famous as the home of the Jacob Leinenkugel Brewing Company and the former home of Cray Research.

The *Chippewa Falls Comprehensive Plan*, updated in 2012, calls for expansion on the southwestern and northwestern sides of the community, taking advantage of the improvements to US Highway 53 and Wisconsin Highway 29. There would be a major commercial-office-industrial area near the interchange of Highway 29 and Seymour Cray Boulevard, with housing to the north extending back to the existing urban area. Housing growth is also shown on the western and northern sides of the city. Several major new parks are planned, including near the confluence of the Chippewa River and Duncan Creek in downtown and along the Chippewa River in the southwestern part of the city. The plan does not include a forecast of population or households growth.

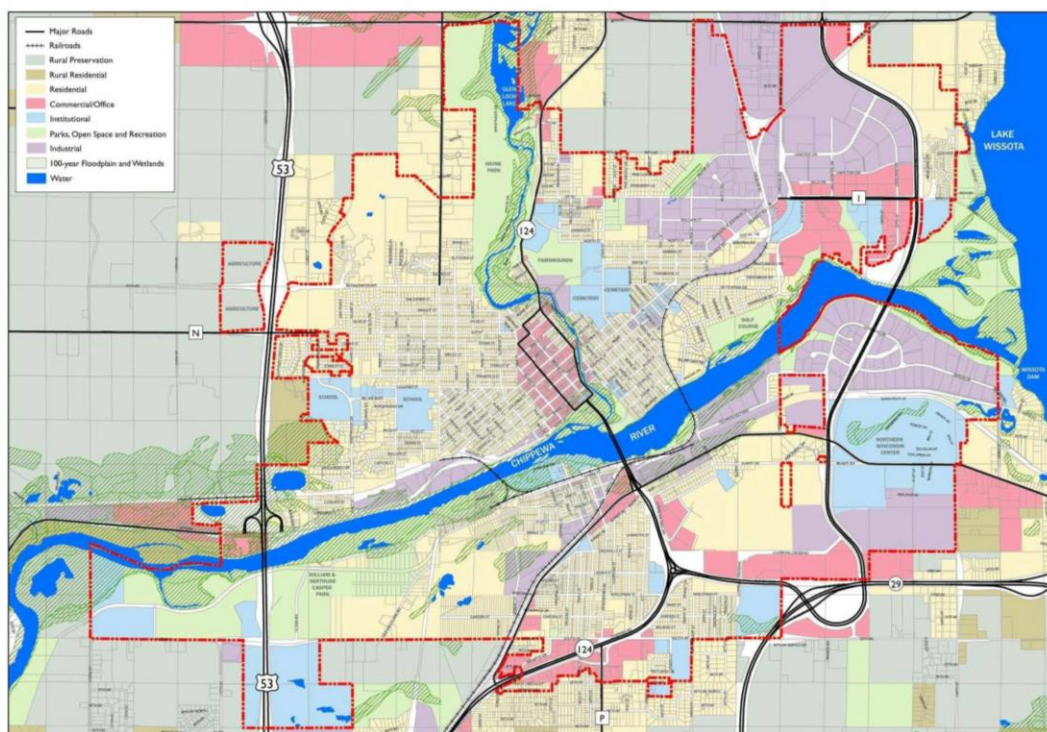


Figure 4-3: City of Chippewa Falls Land Use Plan Map, 2012

City of Altoona Comprehensive Plan

The City of Altoona, Eau Claire's neighbor to the east, expects moderate but steady growth, adding approximately 1,000 households over the next twenty years. Some of that growth is expected to occur on the east and southeast sides of the present city through annexation petitions from landowners in the Town of Washington. Other new housing construction was initiated in 2014 on the former site of the Hillcrest Golf and Country Club along Highway 12.

Altoona hopes to see the Town of Washington regulate land use on its periphery to maintain a very low density of housing, not greater than 4 houses per 40 acres, to avoid impeding economic and efficient urban expansion as well as protecting farmland. The City anticipates that Otter Creek will be the boundary with the City of Eau Claire, although this has not been formally agreed upon.

Although most east-side growth is expected to be low-density housing, Altoona has a major opportunity for non-residential growth around the future interchange of the new US Highway 53 and Birch Street (extended across the river). This site, located near the Eau Claire River and almost entirely undeveloped, has suddenly become accessible to local and regional traffic. In response, the City has prepared and adopted a master plan that calls for retail businesses, offices, a hotel with meeting facilities, multiple-family housing, and riverfront parks and trails. Development is beginning after a long pause for the economic recession.

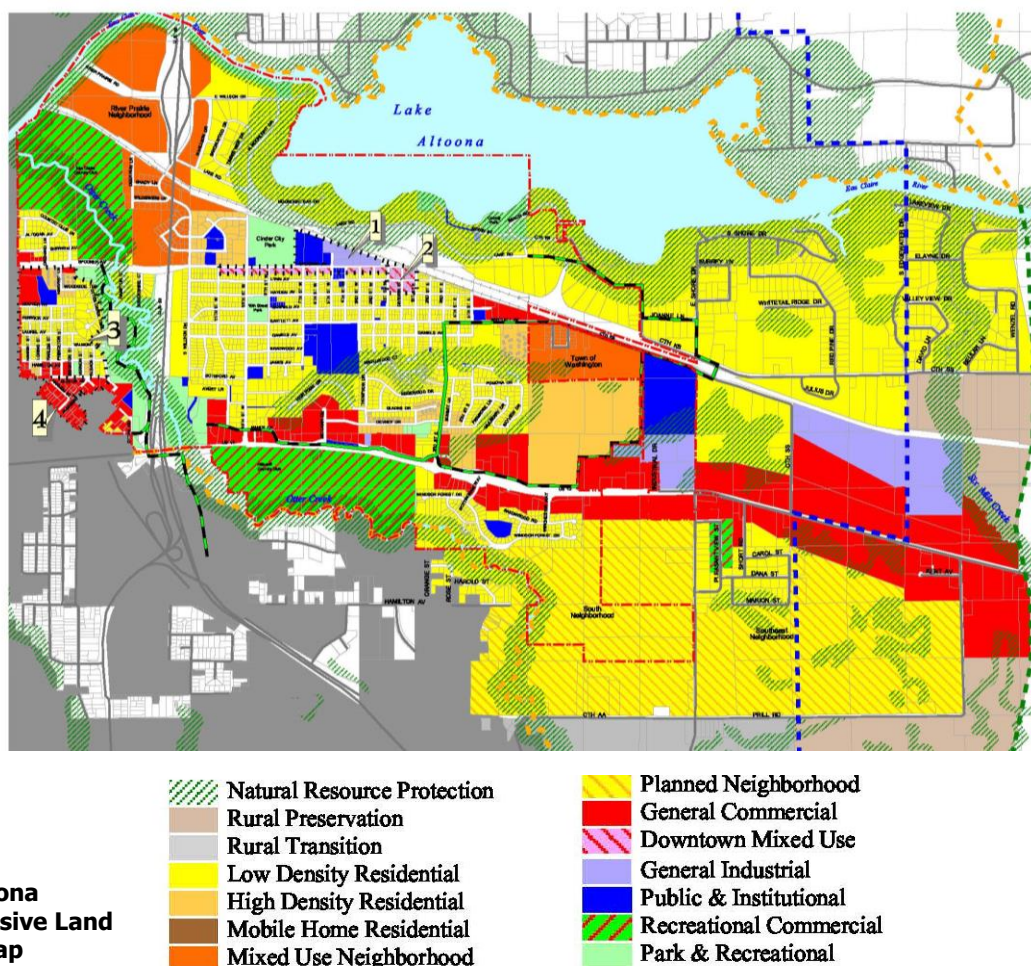


Figure 4-4:
City of Altoona
Comprehensive Land
Use Plan Map

Village of Lake Hallie Comprehensive Plan

The Village of Lake Hallie lies between the Cities of Eau Claire and Chippewa Falls. Until 2003, it existed as the Town of Hallie, but it incorporated to stop land annexations into the adjacent cities and thus protect its integrity. Territorial integrity was cited in its 1997 comprehensive plan as vital to its ability to conduct service and facility planning and to protect its tax base. It's the ability to control its destiny, preserve its identity and grow as a community are all important to the Village.

The Village is presently composed of a variety of businesses strung along old US 53 (Hastings Way), a few industries, very large-lot single-family houses with on-site sewage systems, and farmland. The Village abuts the Chippewa River on the west and is divided by a major ridgeline.

A major physical planning factor is the recent realignment of US Highway 53 to approximately one mile east of its former location along Hastings Way. This investment will create new commercial development sites in the Village and elsewhere along its route. The original US 53 is near capacity, and most of the land along it has been occupied by businesses, industry or housing.

Although the Village does not have public sanitary sewer service, it is within the Urban Sewer Service Boundary. The Village expects to grow by using on-site systems.

Part of the Village is served by a public water system that was installed because of the groundwater pollution created at the former National Presto manufacturing plant located south of Melby Street and east of Hastings Way.

The Village had 1,880 households in 2000. The *Village of Lake Hallie Comprehensive Plan*, 2009, forecast 2,300 households by 2025, but in 2010 the US Census had already counted 2,447 households. In 2013, the Wisconsin Department of Administration forecast 3,250 households for the Village by 2025, although state-wide forecasting at this level is fraught with uncertainty. In any case, growth is exceeding expectations despite the Great Recession and the unavailability of public sanitary sewer service. Improved access resulting from the realignment and widening of US Highways 29 and 53, which intersect in the Village, may account for the strong growth rate. Because the forecast of households in the *Comprehensive Plan* has already been exceeded, the land use plan is called into question and probably deserves to be updated.

Commercial and industrial growth could be just as substantial because of the regional access provided by those freeways; some large-format retail development has already occurred.

The *Comprehensive Plan* calls for the Village to be divided by the major ridgeline, with agricultural and large-lot unsewered housing to the east, businesses between the current and future US 53 alignments, industry around the interchange of Highways 53 and 29, and very-low density housing in the remainder of the community. Some floodplain open space would be protected along the river.

The portion of the Village between the Chippewa Valley Regional Airport and the Chippewa River could be served by the City with public sewer and water lines if a petition for detachment and annexation were successful.

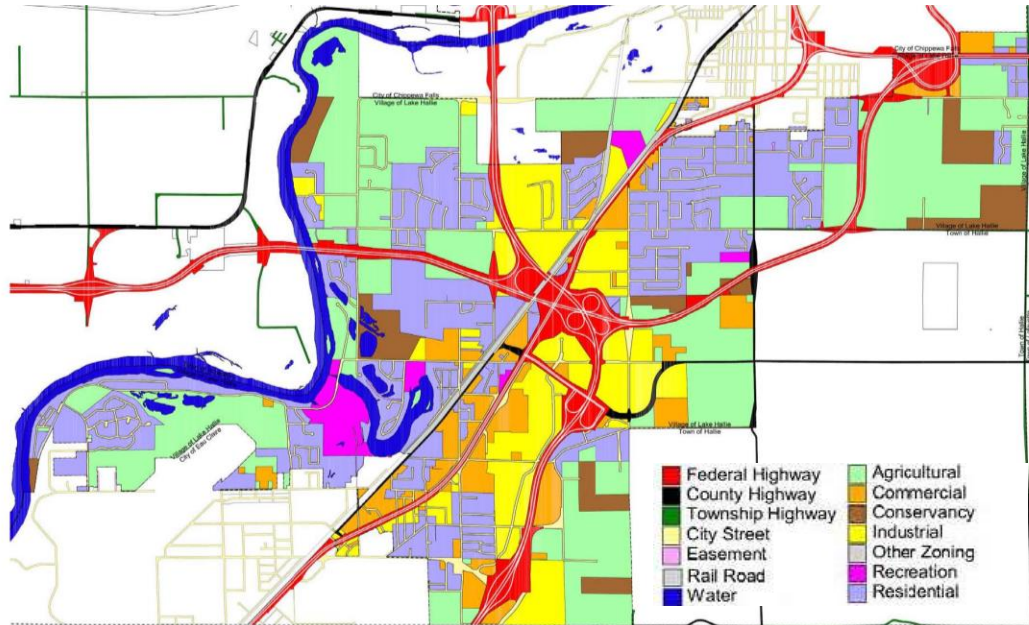


Figure 4-5: Village of Lake Hallie Comprehensive Land Use Plan Map

Adjacent Towns' Plans

The land use plans of the five adjacent Towns are summarized on the following pages.

■ Town of Brunswick.....	4-19
■ Town of Union	4-23
■ Town of Wheaton	4-26
■ Town of Seymour	4-29
■ Town of Washington.....	4-33

The five Towns each prepared and adopted a new comprehensive land use plan in 2010 or 2011 in response to the Intergovernmental Agreements negotiated with the City of Eau Claire in 2010. Those plans formed the basis of the updated comprehensive plans for Chippewa and Eau Claire Counties, which were also adopted in 2011. The two Counties subsequently updated their zoning ordinances and maps to enforce the new land use plans.

Town of Brunswick Land Use Plan

Location

The Town of Brunswick is located south of Eau Claire between the Towns of Union and Washington. Figure 4-6 shows the relationship of the Town and the City along with the outer boundaries of the Sewer Service Area and the Extra-territorial Plat Review Area.

Natural Features

Many locations in Brunswick are composed of steep slopes, wooded open space or creek valleys. Only a small percentage of the town is classified as having soils prime for agriculture. Many locations have soils and/or slopes that are rated as poor for on-site sewage systems. Most of the land between the Chippewa River and Highway 37 within two miles of Eau Claire is floodplain.

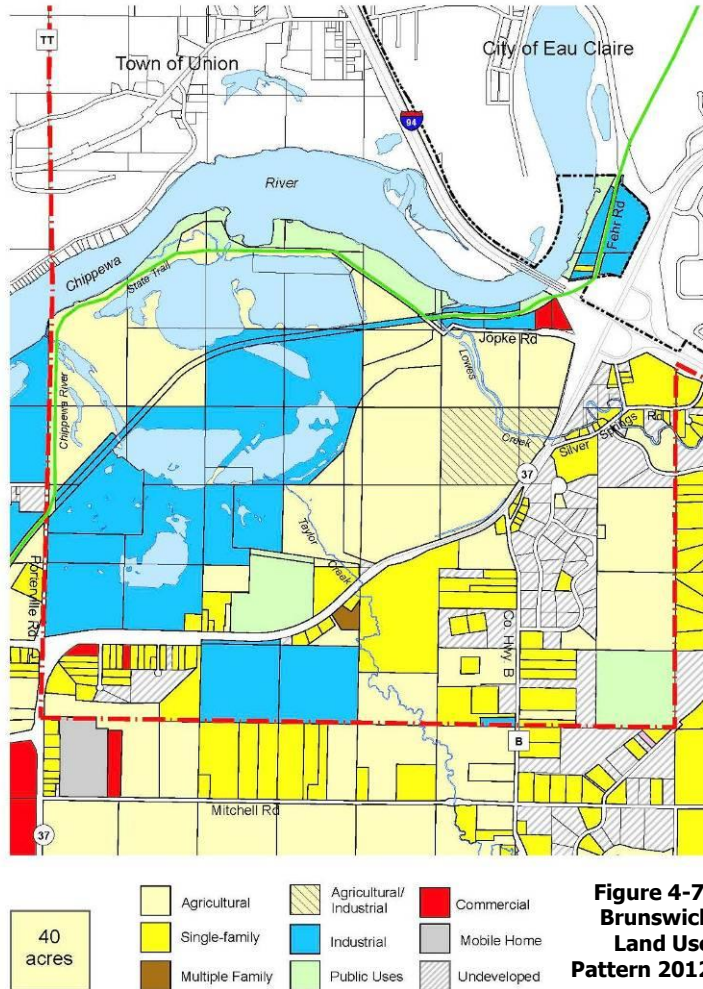


Figure 4-6:
Town of Brunswick Location
and Growth Management
Areas

Existing Land Use in the Brunswick USSA

There is a moderate number of semi-rural lots in the range of 1.5 to 10 acres within the Sewer Service Area and the three-mile Extra-territorial Plat Review Area, particularly in the hilly, wooded areas east of County Highway B. These existing subdivisions will make it difficult if not impossible to ever achieve urban residential densities there because most of the lots are too small to re-divide in a practical manner. However, across most of the Town, land is divided into large parcels that reflect its agricultural use and which are suitable for possible future division into urban-sized lots upon a successful annexation petition.

Figure 4-7 illustrates the present pattern of land use in the Sewer Service Area of the Town of Brunswick and the City of Eau Claire.



**Figure 4-7:
Brunswick
Land Use
Pattern 2012**

As indicated by Table 4-2, in 2012 there were approximately 878 acres that were devoted to agricultural or farmsteads, were vacant or were large-lot housing (greater than 2 acres per house). It is assumed that approximately 647 of those acres are suitable for development at urban densities. Assuming an average of 2.5 housing units per gross acre, this would accommodate approximately 1,600 urban housing units. That density figure accounts for land devoted to roads, parks, ponds, floodplains, steep slopes and other undevelopable conditions and assumes a mixture of detached and attached housing types. Thus, it is a loose estimate. The future additional housing estimate may eventually increase if it is determined that some

of the land presently devoted to gravel mining or concrete manufacturing can be developed into residential areas.

Table 4-2
Summary of Housing Development in the Sewer Service Area
of the Town of Brunswick

	Parcels	Gross Acres	Portion Assumed Developable	Net Developable	Existing Housing Units	Current Average Ac. / Unit
Agriculture and Forestry	30	634	80%	507	-	
Farmsteads	1	60	70%	42	1	60
Vacant Lots > 2 acres	15	85	80%	68	-	
Occupied Lots > 2 acres	18	99	30%	30	18	6
Total developable land for Brunswick		878		647		
Potential additional units at 2.5 per gross acre					1,617	

Growth Forecast

A forecast for the growth of population, households and housing units in the Sewer Service Area of the Town of Brunswick is presented in the Demographic Analysis chapter. That forecast concludes with the estimate that approximately 100 acres of land might be successfully petitioned for annexation to the City and be developed for housing between 2014 and 2030.

Town of Brunswick Land Use Plan, 2009 and 2011

The Town of Brunswick adopted a comprehensive plan in 2009 but amended it in 2011 to be consistent with its intergovernmental agreement with the City of Eau Claire.

The Town's plan generally identifies the lands near the I-94 interchange with Wisconsin Highway 37 as **Rural Industrial** based on the existing uses.

Other areas planned for **Rural Commercial** primarily indicate areas where this use already exists, with the exception of some planned expansion near the intersection of Wisconsin Highways 37 and 85.

The **Rural Residential** classification indicates areas planned for non-farm residences at a density of **one unit per two acres**. A significant portion of this area has already been subdivided and is no longer in agricultural use.

The other significant future land use classification is **Rural Preservation**. Within these areas, the Town supports continued agricultural and open space use with some residential development at a density of **one unit per 5 acres** in A-2 and **one unit per 20 acres** in other areas. The policies of the Town's plan support cluster development in both the Rural Residential and Rural Preservation areas to facilitate, among other objectives, potential infill development upon annexation.

In general, the policies for the Town's plan are consistent with those of the City of Eau Claire concerning the long-term use of property within the City's Extra-territorial Plat Review Jurisdiction (ETJ). However, the policies of the Town's plan outline several areas within the

ETJ that might be permitted to develop at higher densities than what is recommended in the City's plan.

Amended Town of Brunswick Land Use Plan, 2011

In 2011, Brunswick amended its plan by adding text and a land use plan map that are consistent with the Intergovernmental Agreement with the City for planning and land subdivision in the Extra-territorial Plat Review Jurisdiction (ETJ). The amended land use policies and the amended land use plan map (shown below as Figure 4-8) supersede and replace the land use plan map, land use classifications and policies in the 2009 *Town of Brunswick Comprehensive Plan* with respect to locations within the ETJ, of which the Sewer Service Area is a subset. Areas outside the ETJ are unaffected by this amendment.

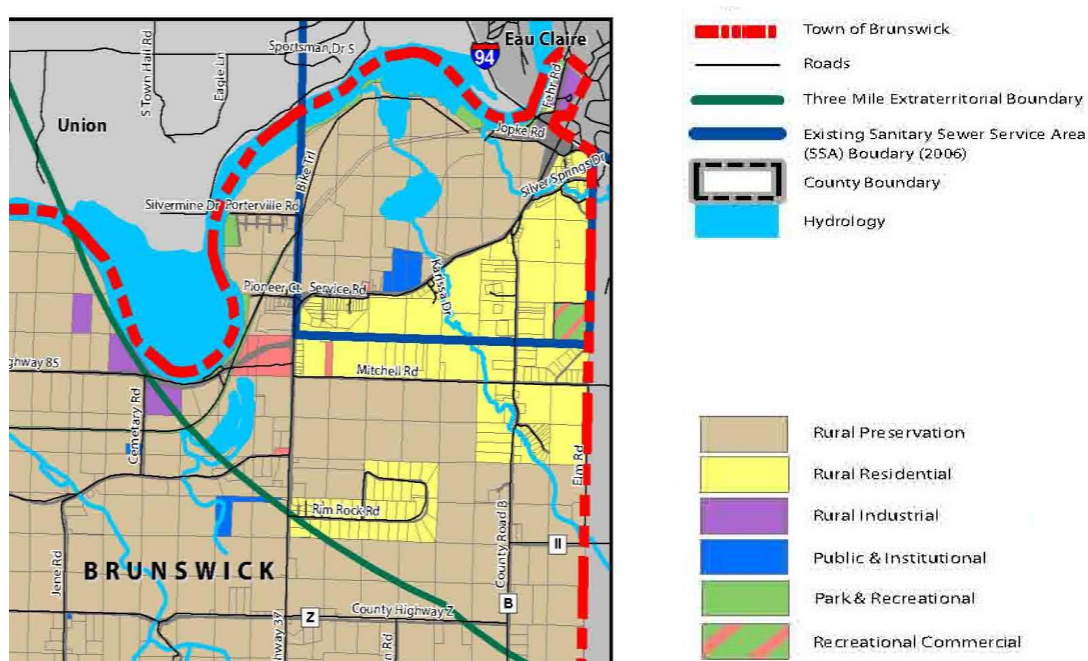


Figure 4-8:
Land Use Plan for Brunswick, 2011

Town of Union Land Use Plan

Location

The Town of Union borders Eau Claire on the west and includes property immediately north of Highway 124 (the North Crossing) and east of I-94. Figure 4-9 shows the relationship of the Town and the City along with the outer boundaries of the Sewer Service Area and the Extra-territorial Plat Review Area.

Natural Features

Land in the Town of Union is gently rolling except for steeper areas near the Chippewa River,. One of the major streams in the town is Sherman Creek, which runs in a steep valley east of I-94. That creek and the Chippewa River have practically the only floodplains in the town. Likewise, the only significant locations of wetlands is in the far northwestern quadrant of the town.

Small forest and woodlots dot the town, primarily along the streams and rivers and in the western portion of the town.

Approximately half of the sites in the town have moderate to severe soil limitations for on-site sewage systems, especially sites in the valley that slopes down to the Chippewa River. The pattern of soils rated prime for farming is highly varied. A band of productive soils runs along the Cameron Street (County Highway E) corridor.



Figure 4-9:
Town of Union Location and
Growth Management Areas

Existing Land Use in the Union USSA

There are many semi-rural lots in the range of 1.5 to 10 acres within the Sewer Service Area and the three-mile Extra-territorial Plat Review Area of the Town of Union. This is particularly apparent close to the City and east of I-94. These existing subdivisions will make it difficult if not impossible to achieve urban residential densities there because most of the lots are too small to re-divide in a practical manner. West of I-94 and north of the US 12 industrial area, the parcelization is far more rural in nature but most of those locations are outside the Sewer Service Area.

Figure 4-10 illustrates the present pattern of land use in the Sewer Service Area of the Town of Union and the City of Eau Claire.

As indicated by Table 4-3, there are nearly 2,500 acres that are devoted to agricultural or farmsteads, are vacant or are occupied by large-lot housing (greater than 2 acres per house). It is assumed that approximately 1,654 of those acres are suitable for development at urban densities.

Assuming an average of 2.5 housing units per gross acre, this would accommodate approximately 4,135 urban housing units. (That density figure accounts for land devoted to roads, parks, ponds, steep slopes and other undevelopable conditions and assumes a mixture of detached and attached housing types.)

Table 4-3

Summary of Housing Development Potential in the Sewer Service Area of the Town of Union

	Parcels	Gross Acres	Portion Assumed Developable	Net Developable	Existing Housing Units	Current Average Ac. / Unit
Agricultural	83	1,632	80%	1,306	-	
Farmsteads	3	72	70%	50	3	24
Vacant Lots > 2 acres	32	151	80%	121	32	5
Occupied Lots > 2 acres	78	590	30%	177	78	8
Total developable land for Union		2,445		1,654		
Potential additional units at 2.5 per gross acre					4,135	



Figure 4-10:
Union Land Use Pattern,
2012

Growth Forecast

A forecast for the growth of population, households and housing units in the Sewer Service Area of the Town of Union is presented in the Demographic Analysis chapter. That forecast concludes with the estimate that approximately 700 acres of land might be successfully petitioned for annexation to the City and be developed for housing between 2014 and 2030.

Town of Union Land Use Plan, 2005 and 2011

The Town of Union adopted a comprehensive plan in 2005 and agreed in 2011 to amend it to be consistent with the Intergovernmental Planning Agreement negotiated with the City of Eau Claire in that year.

In 2011, the Town of Union approved an Intergovernmental Agreement with the City for planning and land subdivision in the Extra-territorial Plat Review Jurisdiction (ETJ). The amended land use policies and the amended land use plan map (shown below as Figure 4-11) supersede and replace the land use plan map, land use classifications and policies in the 2005 *Town of Union Comprehensive Plan* with respect to locations within the ETJ, of which the Sewer Service Area is a subset. Areas outside the ETJ are unaffected by this amendment.

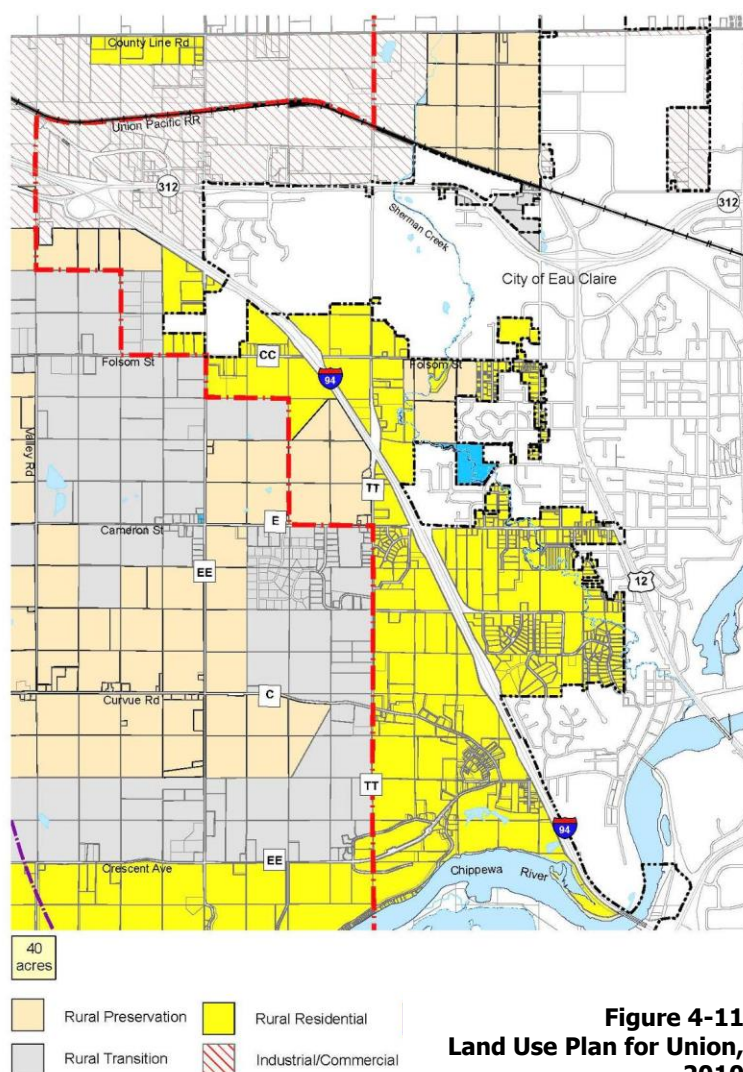


Figure 4-11
Land Use Plan for Union,
2010

Town of Wheaton Land Use Plan

Location

The Town of Wheaton is located north of Eau Claire. Figure 4-12 shows the relationship of the Town and the City along with the outer boundaries of the Sewer Service Area and the Extra-territorial Plat Review Area.

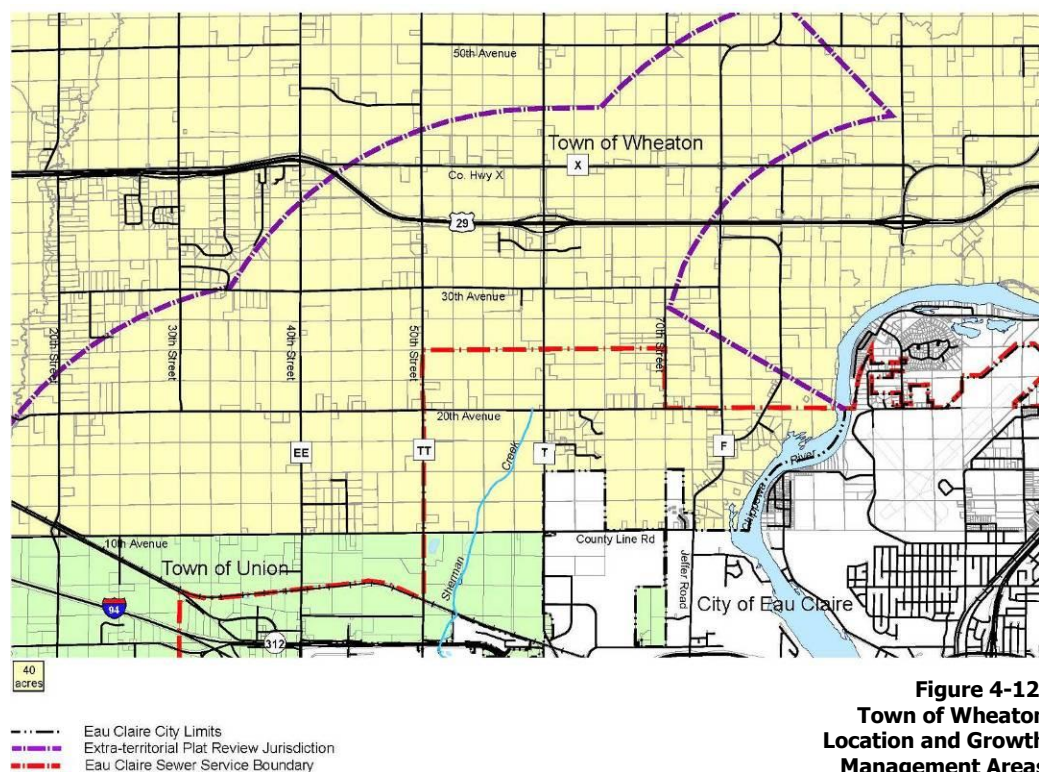


Figure 4-12:
Town of Wheaton
Location and Growth
Management Areas

Existing Land Use in the Wheaton USSA

There are semi-rural lots in the range of 1.5 to 10 acres within the Sewer Service Area and particularly the three-mile Extra-territorial Plat Review Area. The Sewer Service Area is drawn close to the City in the Town of Wheaton, so there are a relatively small number of lots encompassed by that line. The largest clusters of semi-rural lots are along County Highways T and F.

Figure 4-13 illustrates the present pattern of land use in the Sewer Service Area of the Town of Wheaton and the City of Eau Claire.

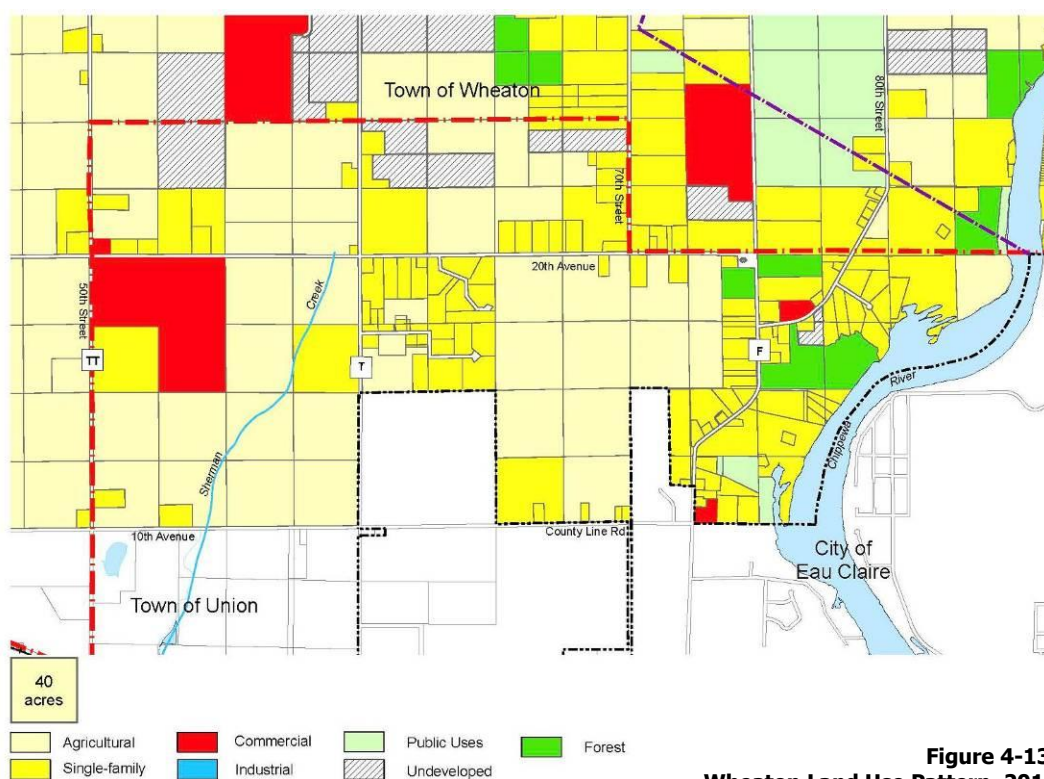


Table 4-4
Summary of Land Development in the Sewer Service Area
of the Town of Wheaton

	Parcels	Gross Acres	Portion Assumed Developable	Net Developable	Existing Housing Units	Current Average Ac. / Unit
Agricultural and Forestry	45	1,333	90%	1,200		
Vacant Lots > 2 acres	10	120	80%	96		
Occupied Lots > 2 acres	80	564	30%	169	80	7
Total developable land for Wheaton		2,017		1,465		
Potential additional units at 2.5 per gross acre					3,662	

As indicated by Table 4-4, there are approximately 2,000 acres that are devoted to agricultural, forestry or farmsteads, are vacant or are large-lot housing (greater than 2 acres per house). It is assumed that approximately 1,465 of those acres are suitable for development at urban densities. Assuming an average of 2.5 housing units per gross acre, this would accommodate approximately 3,600 urban housing units. That density figure accounts for land devoted to roads, parks, ponds, steep slopes and other undevelopable conditions and assumes a mixture of detached and attached housing types.

Town of Wheaton Land Use Plan, 2009 and 2011

The Town of Wheaton prepared a comprehensive plan in 2009 following the guidelines of the Wisconsin Planning Law. There is no public sewer or water service planned for the Town of Wheaton. The Plan acknowledged the existence of the Extra-territorial Plat Review Jurisdiction of the Cities of Eau Claire and Chippewa Falls and the Village of Lake Hallie. This plan was amended in 2011 based on the Intergovernmental Planning Agreement negotiated with the City of Eau Claire.

Amended Land Use Plan for Wheaton, 2011: In 2011 the Town amended that plan by adding text and a land use plan map that are consistent with the Intergovernmental Agreement with the City for planning and land subdivision in the Extra-territorial Plat Review Jurisdiction (ETJ). The amended land use policies and the amended land use plan map (shown below as Figure 4-14) supersede and replace the land use plan map, land use classifications and policies in the 2009 *Town of Seymour Comprehensive Plan* with respect to locations within the ETJ, of which the Sewer Service Area is a subset. Areas outside the ETJ are unaffected by this amendment.

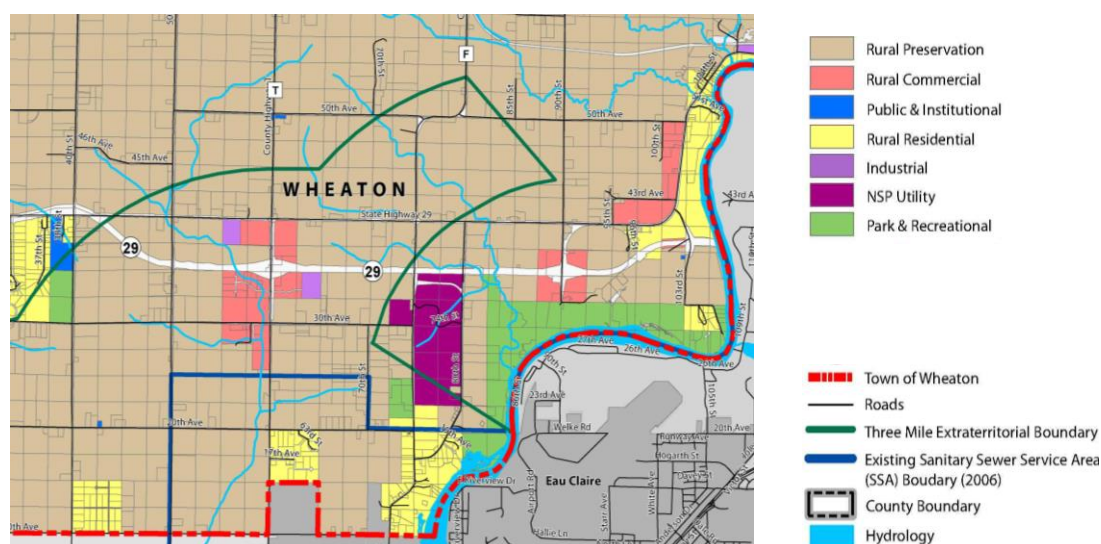
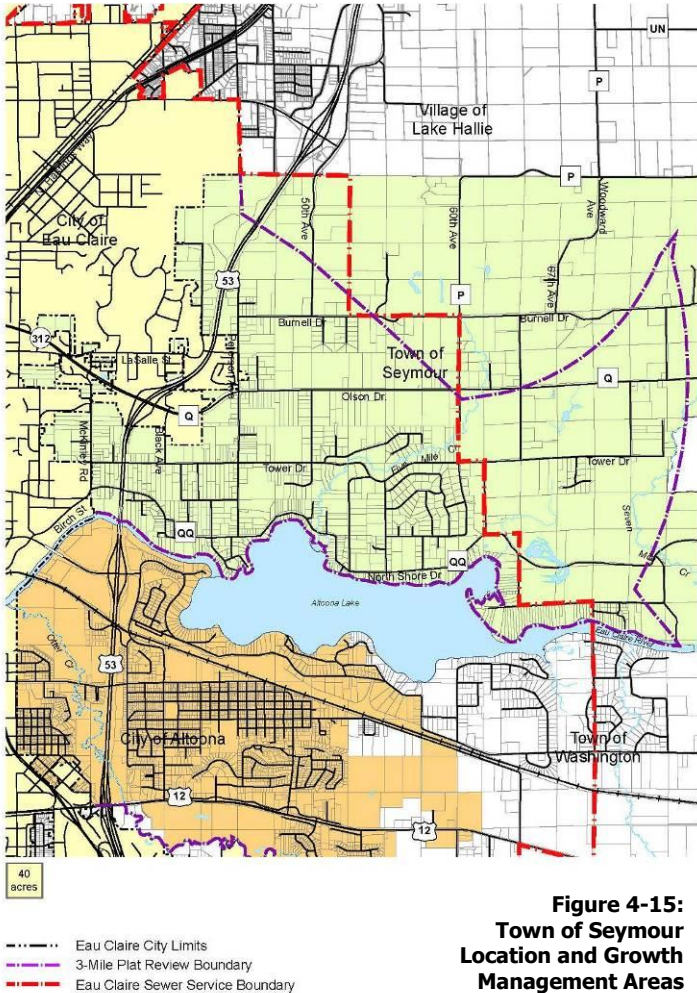


Figure 4-14:
Land Use Plan for Wheaton, 2011

Town of Seymour Land Use Plan

Location

The Town of Seymour is located east of Eau Claire and north of the City of Altoona. Figure 4-15 shows the relationship of the Town and the City along with the outer boundaries of the Sewer Service Area and the Extra-territorial Plat Review Area.

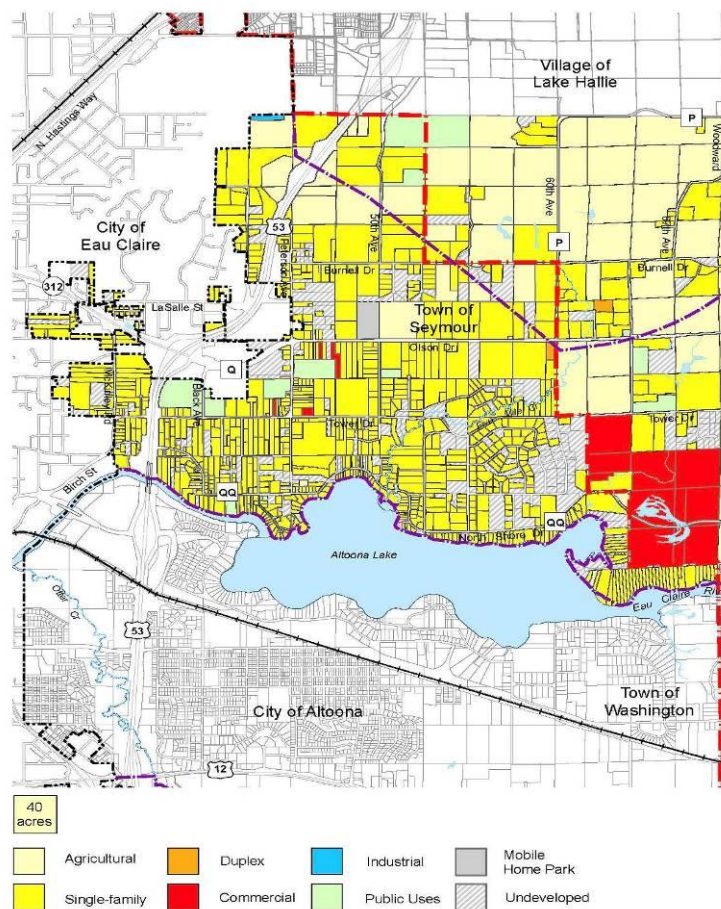


Existing Land Use in the Seymour USSA

There are many semi-rural lots in the range of 1.5 to 10 acres within the Sewer Service Area and the three-mile Extra-territorial Plat Review Area.

Figure 5-16 illustrates the present pattern of land use in the Sewer Service Area of the Town of Seymour and the City of Eau Claire.

Seymour has a higher percentage of its SSA land divided for semi-rural lots than the other four Towns that abut Eau Claire, perhaps owing to its hilly and forested landscape, which is not conducive to farming. Recent highway improvements may amplify that trend.



**Figure 4-16:
Seymour Land Use Pattern, 2012**

Table 4-5
Summary of Land Development in the Sewer Service Area
of the Town of Seymour

	Parcels	Gross Acres	Portion Assumed Developable	Net Developable	Existing Housing Units	Current Average Ac. / Unit
Agriculture and Forestry	28	405	60%	243	3	135
Vacant Lots > 2 acres	61	376	50%	188	-	
Occupied Lots > 2 acres	228	1,324	30%	397	-	
Total developable land for Seymour		2,105		828		
Potential additional housing units at 2.5 per gross acre					2,071	

As indicated by Table 4-5 there are 2,105 acres that are devoted to agricultural or forestry, are vacant or are large-lot housing (greater than 2 acres per house). It is assumed that approximately 828 of those acres are amenable to development at urban densities. Some of the large, undeveloped residentially-zoned parcels in the Town of Seymour may be limited in their urban development because of slope or wetlands, so a conservative estimate of 50 percent development was assumed. Assuming an average of 2.5 housing units per gross acre, this would accommodate approximately 2,000 urban housing units. (That density figure accounts for land devoted to roads, parks, ponds, steep slopes and other undevelopable conditions and assumes a mixture of detached and attached housing types.)

Growth Forecast

A forecast for the growth of population, households and housing units in the Sewer Service Area of the Town of Seymour is presented in the Demographic Analysis chapter. That forecast concludes with the estimate that approximately 100 acres of land might be successfully petitioned for annexation to the City and be developed for housing between 2014 and 2030.

Town of Seymour Land Use Plan, 2009 and 2011

The Town of Seymour adopted a comprehensive plan in 2009 and amended it in 2011 to be consistent with the intergovernmental planning agreement with the City of Eau Claire.

The Town's 2009 plan supports the development of "Rural Commercial" development near the same intersection of US 53 and CTH Q. In addition, the Town's plan identifies the properties just east of US 53, around the intersection of CTH Q and Peterson Ave., as Rural Commercial.

Portions of the Town west of US 53 are planned for Urban Mixed Use because of their proximity to higher density residential land uses, urban services and other mixed land uses. These areas are intended for a broader mix of uses including commercial, institutional, recreational, and either single or multifamily residential development. New development is limited to a maximum density of eight units per acre with urban services, and three units per acre with private sewage treatment.

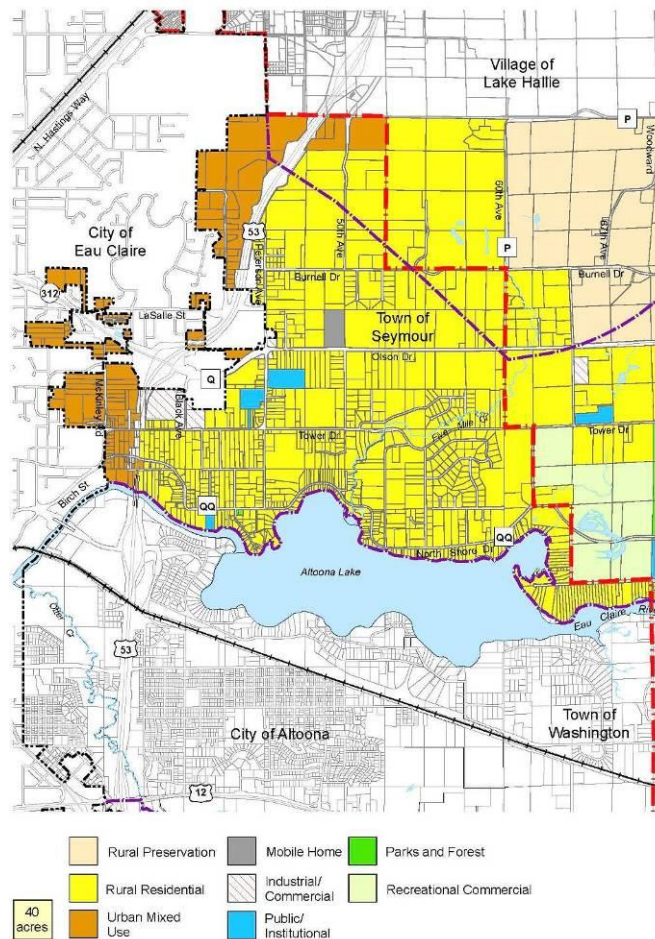
The City generally identifies land within this same area as either Commercial, Low Density Housing (2.5 - 6 units per acre) or Medium High Density Housing (6+ units per acre).

Moving east from US 53, the Town’s plan mainly designates “Rural Residential” land uses within the 2025 Sewer Service Area. The Rural Residential classification primarily represents areas with existing platted subdivisions. Some additional infill development is expected at a density of **one unit per two acres**.

The other significant future land use classification is “Rural Preservation.” Within this area, the Town supports continued agricultural and open space land use with some residential development at a density of either **one unit per 5 acres, 20 acres, or 35 acres** depending on the zoning of property when the plan was created. The policies of the Town’s plan support cluster development within both the Rural Residential and Rural Preservation areas to facilitate, among other objectives, potential infill development upon annexation.

Amended Town of Seymour Land Use Plan, 2011: In 2011 the Town amended that plan by adding text and a land use plan map that are consistent with the Intergovernmental Agreement with the City for planning and land subdivision in the Extra-territorial Plat Review Jurisdiction (ETJ). The amended land use policies and the amended land use plan map (shown below as Figure 4-175) supersede and replace the land use plan map, land use classifications and policies in the 2009 *Town of Seymour Comprehensive Plan* with respect to locations within the ETJ, of which the Sewer Service Area is a subset. Areas outside the ETJ are unaffected by this amendment.

**Figure 4-17:
Land Use Plan for
Seymour, 2011**



Town of Washington Land Use Plan

Location

The Town of Washington lies to the south and southeast of the City of Eau Claire and is composed of interlaced ribbons of wooded hills, productive farmland and wooded creek valleys, a landscape that provides many attractive home sites. Portions of the Town are urban-density “islands” surrounded by Eau Claire or Altoona north of I-94 that lack public sewer or water service. The Town plan acknowledges the public health danger associated with relatively small-lot housing served only by septic tanks and wells.

The Sewer Service Area in the Town is bisected by the Lowes Creek valley, which is framed by hills to the west and east. Figure 4-18 shows the relationship of the Town and the City along with the outer boundaries of the Sewer Service Area and the Extra-territorial Plat Review Area.

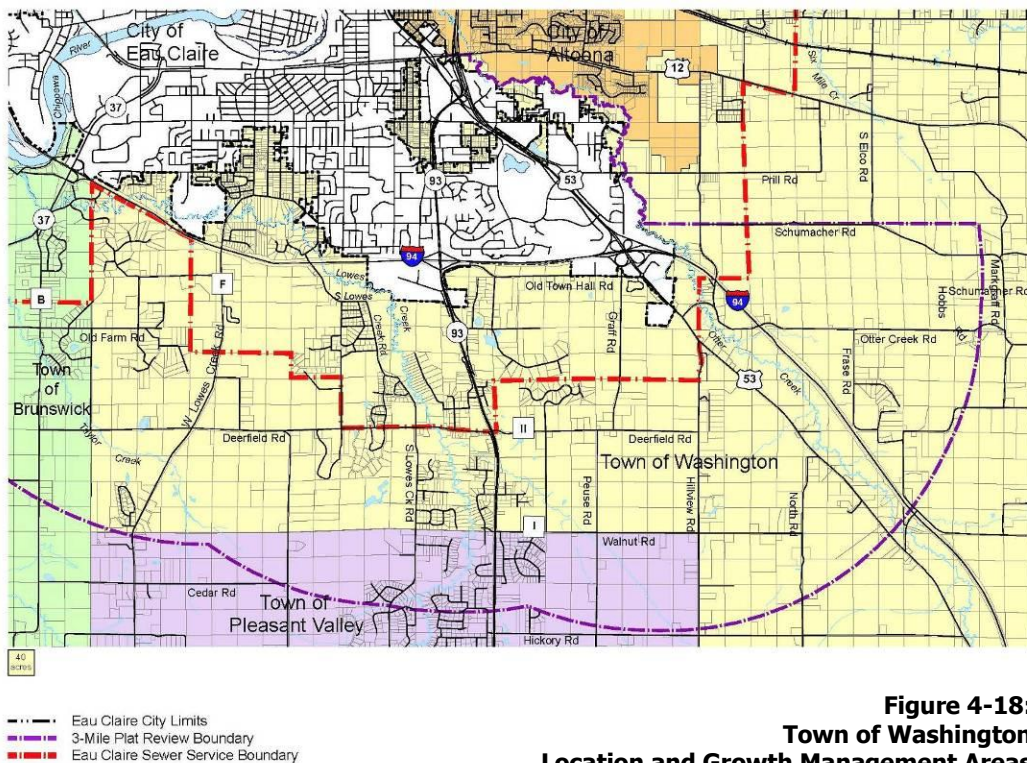


Figure 4-18:
Town of Washington
Location and Growth Management Areas

Existing Land Use in the Washington USSA

There are many semi-rural lots in the range of 1.5 to 10 acres within the Sewer Service Area and the three-mile Extra-territorial Plat Review Area of the Town of Washington. These existing subdivisions will make it difficult if not impossible to achieve urban residential densities because most of the lots are too small to re-divide in a practical manner.

Figure 4-19 illustrates the present pattern of land use in the Sewer Service Area of the Town of Washington and the City of Eau Claire.

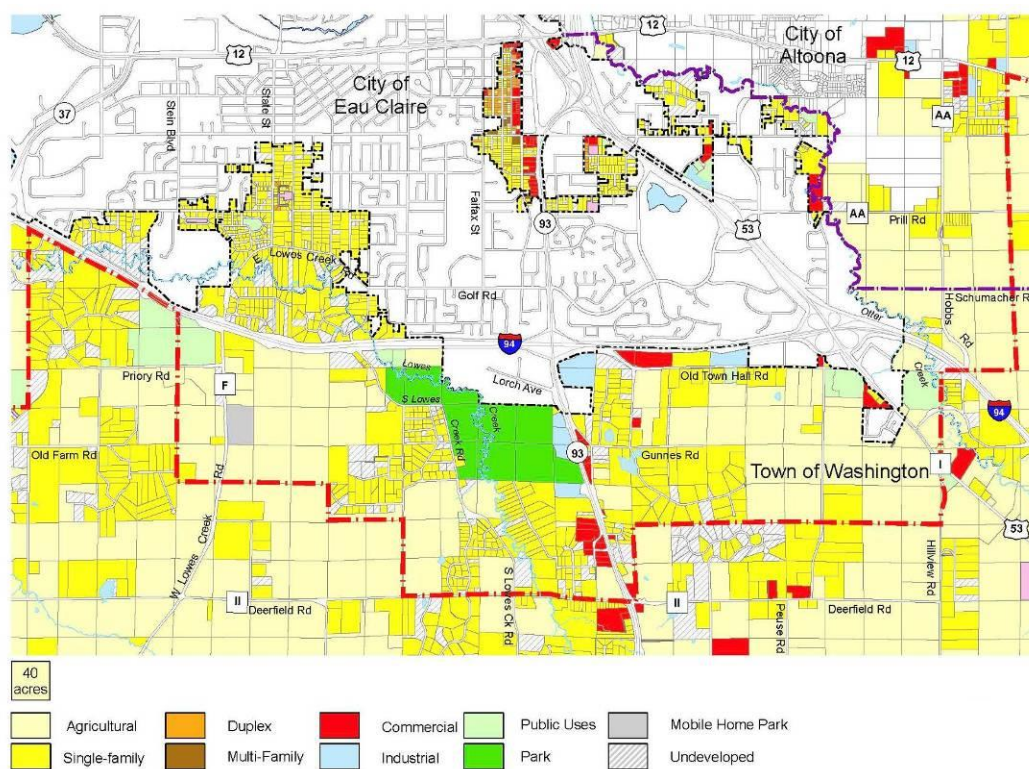


Figure 4-19:
Washington Land Use Pattern, 2012

As indicated by Table 4-6, there are 3,252 acres that are devoted to agricultural, forestry or farmsteads, are vacant or are large-lot housing (greater than 2 acres per house). It is assumed that approximately 1,838 of those acres are amenable to development at urban densities.

Assuming an average of 2.5 housing units per gross acre, this would accommodate approximately 4,600 urban housing units. That density figure accounts for land devoted to roads, parks, ponds, steep slopes and other undevelopable conditions and assumes a mixture of detached and attached housing types. Thus, it is a loose estimate.

Table 4-6
Summary of Land Development in the Sewer Service Area of the Town of Washington

	Parcels	Gross Acres	Portion Assumed Developable	Net Developable	Existing Housing Units	Current Average Ac. / Unit
Agricultural and Forestry	67	1,449	70%	1,014	-	
Farmsteads	17	340	70%	238	17	20
Vacant Lots > 2 acres	65	293	80%	234	-	
Occupied Lots > 2 acres	184	1,170	30%	351	184	6
Total developable land for Washington		3,252		1,838		
Potential additional units at 2.5 per gross acre					4,594	

Growth Forecast

A forecast for the growth of population, households and housing units in the Sewer Service Area of the Town of Washington is presented in the Demographic Analysis chapter. That forecast concludes with the estimate that approximately 700 acres of land might be successfully petitioned for annexation to the City and be developed for housing between 2014 and 2030.

Town of Washington Land Use Plan, 2009 and 2011

The Town of Washington prepared a comprehensive plan in 2009 following the guidelines of the Wisconsin Planning Law. There is no public sewer or water service planned for the Town of Washington. The Plan acknowledged the existence of the Extra-territorial Plat Review Jurisdictions of the Cities of Eau Claire and Altoona.

The **Rural Transition Area** is intended to preserve certain areas in farming or other open space until more intensive development may be appropriate. The area will be regulated consistent with the policies of the Rural Preservation area, which means, among other things, that the **minimum residential lot size will be 5 acres** until that transition occurs. The area may transition to commercial or industrial use, depending on nearby land uses.

The **Rural Residential Area** provides for unsewered housing development on parcels as small as **2 acres**. It also allows clustered housing at slightly higher densities.

The **Rural Residential Cluster Area** allows housing on parcels of **1 to 5 acres** in exchange for preserving at least **40 percent of the subdivision in its natural state**. The plan allows for such conservation areas to be later developed if annexed to the City of Altoona or Eau Claire and served by municipal utilities. This is a wise policy for locations within the Sewer Service Area. The land owner must petition for annexation and the Town must release the owner from the conservation agreement.

The **Rural Commercial Area** has been applied along Highway 93 and in one location along Highway 53. This area, as the name implies, allows businesses, especially those that serve agricultural or rural needs.

Amended Land Use Plan for Washington: In 2011, the Town of Washington amended its 2009 comprehensive plan by adding text and a land use plan map that are consistent with the Intergovernmental Agreement with the City for planning and land subdivision in the

three-mile Extra-territorial Plat Review Jurisdiction (ETJ), of which the Sewer Service Area is a subset. Areas outside the ETJ were unaffected by this amendment.

The Town and the City acknowledged in the Intergovernmental Agreement that the City has a legitimate role in ensuring that land within the Sewer Service Area is planned and developed in a compact and urban growth pattern to facilitate its anticipated annexation and connection to City public utility systems. The Town agreed to assist the City in accomplishing this shared objective.

Note that the Town of Washington has many areas of large-lot semi-rural housing already developed. Consequently, there will likely be exceptions granted to the ten-acre minimum lot size on the basis of infill lots and locations that cannot be reasonably served with City utilities because of natural barriers or cost. These locations are expected to be in and around the areas planned as Rural Residential and Rural Residential Cluster shown on Figure 4-20.

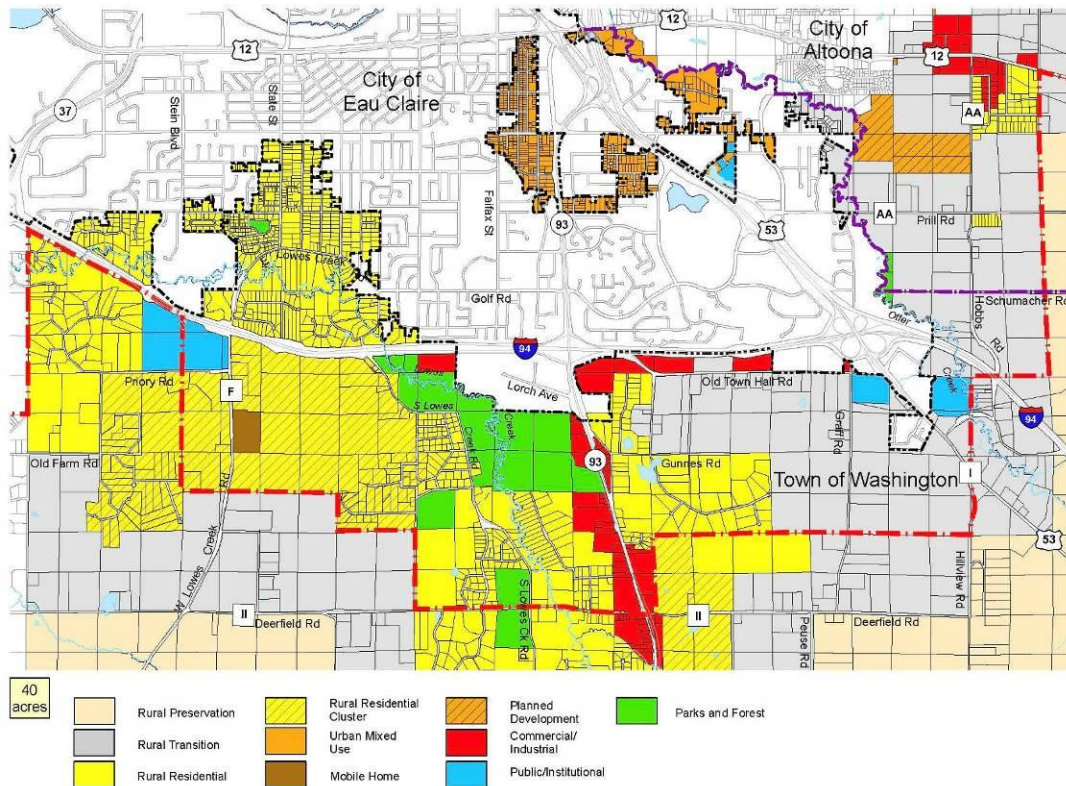


Figure 4-20:
Land Use Plan for Washington, 2011

Highway Corridor Site Plan Review Areas in Washington: Highways 53 and 93 are recognized as major entry corridors for both the Town of Washington and the broader Eau Claire area. Nonresidential development along these important highway corridors is subject to advisory site plan review by both the Town and the City of Eau Claire to ensure high quality development. Final site plan review approvals are made by Eau Claire County, which has zoning jurisdiction and has adopted site plan review provisions.

County Plans

Eau Claire County Land Use Plan and Zoning

Eau Claire County updated its *Comprehensive Plan* on September 18, 2012, to reflect the amended land use plans for the Towns of Brunswick, Union, Seymour and Washington. The amended County plan includes all of the provisions from the amended Town plans pertaining to density, land divisions, utilities, cooperative boundary agreements and the maps of future land use in the Sewer Service Area. It also includes the features described below that supplement the Towns' plan amendments.

New Non-Farm Development

New non-farm development is directed to areas of similar use in order to minimize land use conflicts between incompatible uses through zoning or site design guidelines.

Rural Residential

The Rural Residential land use classification in the County plan encourages semi-rural, large lot housing in the part of the Town that is closest to the City. The primary intent of this classification is to identify areas suitable for future non-farm residential development. Residential lots may be as small as two acres. Rural Residential areas include lands that are delineated as existing residential properties or vacant platted areas. In addition, some undeveloped land has been included where subdivision expansion is likely to occur. These additional areas tend to be adjacent to existing rural subdivision or where local roads and utilities exist to efficiently and economically serve the area.

Rural Residential Cluster

In these locations, slightly smaller lots may be allowed in exchange for preserving areas with natural, agricultural or cultural importance and for the use of subdivision design guidelines contained on pages 2-23 and 3-6 of the County plan.

The Rural Transition Classification on the County Land Use Plan Map

This classification identifies land near developed areas that should be preserved in farming or open space until such time as more intensive development is appropriate. The Rural Transition areas potentially represent prime candidates for intergovernmental agreements that lay out specific plans for land use, boundary changes and fiscal arrangements. Unfortunately, this classification is not contained in the Seymour plan, as it would be an appropriate classification and an example of wise growth management and land use planning.

The Urban Mixed Use Classification on the County Land Use Plan Map

This classification identifies a small area that is suitable for a broad range of commercial, institutional, recreational and residential land uses that might be served by public utilities within the next 20 years. Residential densities higher than allowed in the County's Rural Residential classification require the use of City sanitary sewer connections. These are also called "Smart Growth Areas" within the County plan.

Rural Preservation

The intent of this classification is to protect productive agricultural and forestry land. The County's preferred housing density is one unit per 20 or more acres although the Town comprehensive plan may be as dense as one unit per five acres. (In Washington, this classification is only used outside of the Sewer Service District. The Town adopted the five-acre minimum residential lot size in its 2009 plan.)

Natural Resources Protection Overlay

This district is intended to protect sensitive natural resources such as wetlands, floodplains, slopes greater than 20 percent and shoreland areas (1,000 feet of navigable lakes or 300 feet of navigable streams).

Cooperative Boundary Agreements

The County encourages the development of cooperative boundary agreements, or joint extraterritorial zoning commissions, between incorporated municipalities and adjacent towns to address long-term annexation, boundary and development issues.

Municipal Plat Review Areas

This Plan recognizes that the City of Eau Claire has the statutory right to plan for land uses within its Extra-territorial Plat Review Jurisdiction. The plan formulated by the City of Eau Claire for areas within its Extra-territorial Plat Review Jurisdiction may differ from the *Eau Claire County Comprehensive Plan*, or from the plans of applicable Towns. All municipal future land use maps are incorporated into the County plan for reference purposes. Petitioners of development proposals within municipal plat review areas are advised that their development proposal may need approval by the County, town, and applicable municipality.

Municipal Sewer Service Areas

Within municipal plat review areas, or planned Sewer Service areas, developments should be designed for potential future infill to facilitate the delivery of future municipal utilities.

Eau Claire County Zoning

Eau Claire County administers zoning for each of the Towns with their permission, so the County's zoning map is generally consistent with the adopted land use plan of each Town.

Chippewa County Land Use Plan

In 2013, Chippewa County updated its comprehensive land use plan text and map to reflect the changes shown in the land use plan adopted by the Town of Wheaton illustrated by Figure 4-14.

Chippewa Falls / Eau Claire Sewer Service Area Plan for 2025

The West Central Wisconsin Regional Planning Commission prepared the *Chippewa Falls – Eau Claire Sewer Service Plan for 2025*, a document that meets the requirements of the Wisconsin Department of Natural Resources. The purpose of this plan is to:

- 1.** Project future needs for sewer service and **establish the geographic extent of the sewer service areas for the year 2025.**
- 2.** Provide technical data for designing cost-effective and environmentally sound sewage treatment configurations
- 3.** Define the procedures for reviewing boundary and plan amendments
- 4.** Identify sensitive environmental areas and protect them from development
- 5.** Guide government interaction and be used to prepare community plans.

The plan estimated the amount of land that would be needed to accommodate development out to the year 2025 based on a forecast of households and jobs, minus the land that should be protected for environmental purposes. The analysis considered major undeveloped areas within the Cities, both sewered and unsewered, and planned land use from local plans. The average and peak total sewage flows to each major sewage line (called interceptors) was estimated along with the average daily and peak flows to the two treatment plants.

The boundary of the Sewer Service Area (SSA) around the City of Eau Claire that was approved by the Wisconsin Department of Natural Resources is illustrated in subsequent sections that address the plans that the City prepared in 2013 for the SSA in each of its five adjacent Towns.

Land Use and Development in Eau Claire

This section describes recent development activity and the current pattern of land use in the City of Eau Claire.

A generalized map of the pattern of land use is presented by **Figures 4-21** and **4-22** based on City Assessor records and field checks by the City of Eau Claire. The following table presents the distribution by acreage of the various land uses.

Table 4-7
Land Use by Classification, 2013

	2013	
	Acres	Percent
Residential	13,616	61
Commercial	1,220	5
Industrial	1,616	7
Park	3,135	14
Public	1,122	5
Semi-Public	474	2
Utility	501	2
Vacant	653	3
Total	22,337	100

Source: City of Eau Claire

Figure 4-23 shows the boundaries of the sectors of the city that are used in the description on the subsequent pages.



Eau Claire has a rich history of housing architecture and contemporary efforts to create new patterns

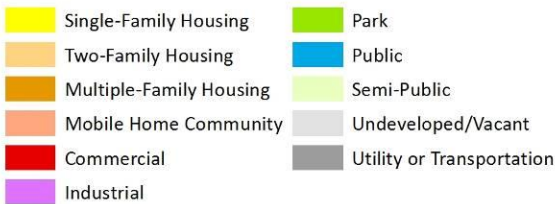
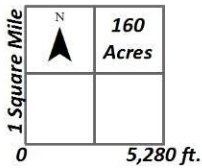
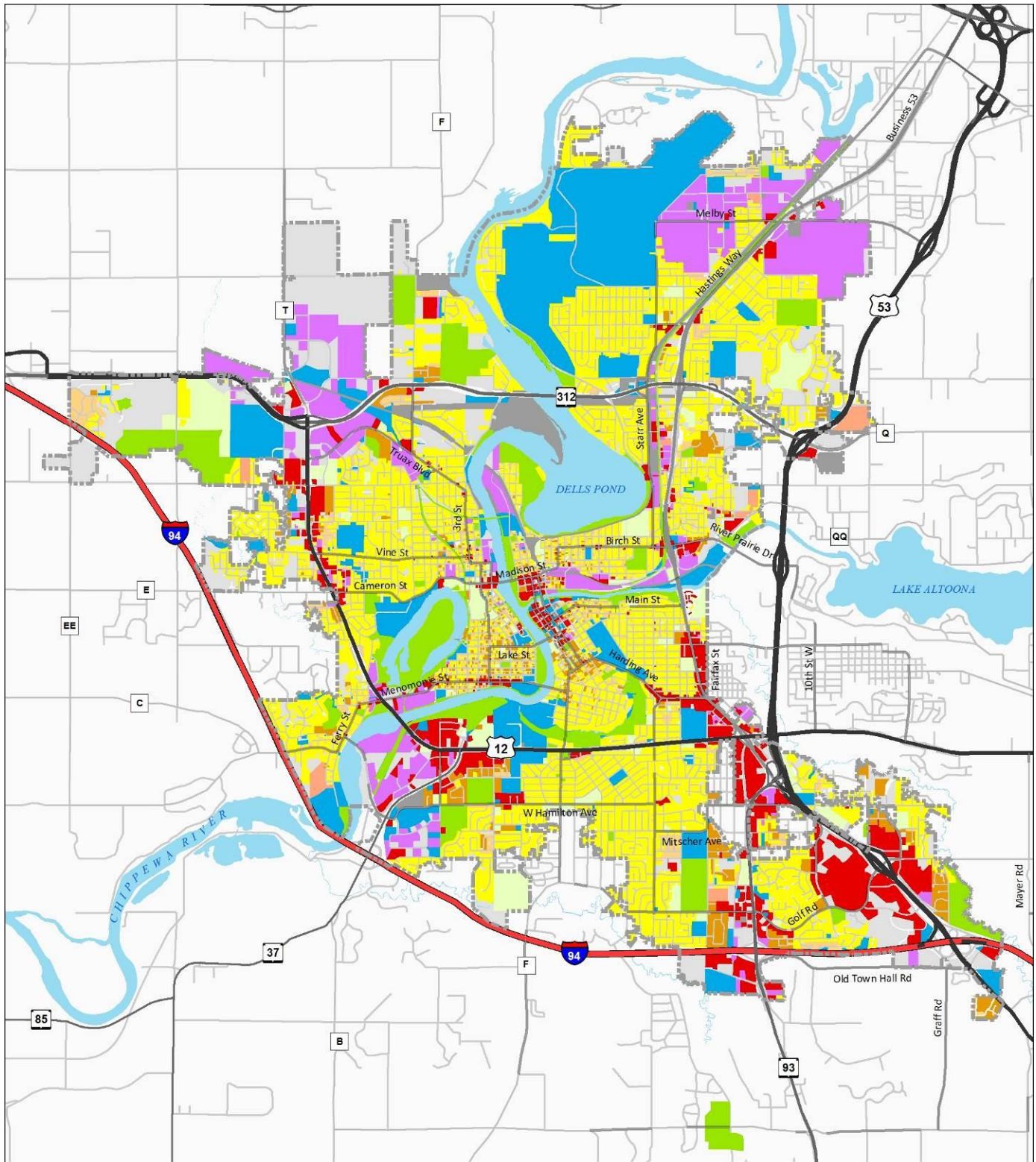


Figure 4-21
Pattern of
Land Use, 2014

Northwest

Growth in recent years has been shifting to the northwest from the southern part of the community because of the improved access provided by the State Trunk Highway 124. Office and industrial development has led the way with many new facilities near intersections along the North Crossing, especially the Gateway Business Park at County Trunk Highway T.

Residential neighborhoods are beginning to sprout both north and south of the highway, particularly along Jeffers Road. With the extension of roads and utilities to the northwest, it is anticipated that the next several decades will witness continued strong expansion onto these low hills of the upper Sherman Creek valley.

To complement those neighborhoods, the City has created neighborhood parks and has acquired land for a large community park on the river bluff just beyond the North Crossing, consistent with the 1993 plan.

The Business Park is likely to expand to the north along the County Highway T corridor. Northern growth is influenced by the easy access that Highway T provides to the state and federal highway systems and by the access limitations posed by the large Menard's site along Highway 312, the Union Pacific Railroad and the floodplain of Sherman Creek.

The City's policy is that business development in the Highway T corridor ought to be compact rather than stretching along the highway and reaching toward US 29. Maintaining farmland between the business park and the small node of development near the Highway 29 interchange has been one of the City's objectives.

Gateway Business Park is owned by a corporation consisting of Xcel Energy, Eau Claire County and the City of Eau Claire.

West

The Cameron Street corridor and the area around Sherman School and Park are the site of new neighborhoods of detached housing as the last large tracts of land on the southern perimeter north of I-94 were developed. Other land is available for residential development up and down the Sherman Creek corridor. Some prime urban expansion land within the freeway ring has been occupied by unsewered housing in Union Township.

Although the trend for housing development has been strongest in the southeastern quadrant of the city, it is anticipated that the western sector will find greater market appeal in the future. There is potential for sewer growth in the Sherman Creek valley east of I-94 and, longer term, west of I-94 both north and south of Cameron Street (County Highway E). The topography, growth pattern and road system lend themselves to that logical expansion. Cameron Street would have to be upgraded, and County Trunk Highway CC may have to be extended over the highway to improve access.

The *Sewer Service Area Plan for the Town of Union*, 2012, illustrates a land use plan and general alignments for the extension of trunk sewer and water lines to serve this area. Growth in that vicinity would also be helped if the planned interchange along I-94 at Cameron Street were ever built.



Southeast

The area between Clairemont Avenue and I-94 has been a major hub for community development since the 1950s and now includes many new neighborhoods, strong commercial areas, parks, schools, a business park and open space along Lowes Creek. The freeway and its nearby steep, wooded hills have long served as an edge to the community. Presently, the drive along the I-94 freeway down into the Chippewa River valley then along the edge of the green hills presents a very positive image of the community.

Most large tracts north of I-94 have now been occupied, so market demand is building to extend the pattern south of I-94. However, several factors have combined to slow growth and annexation in the Town of Washington, including the relative shortage of direct minor arterial roads across or under the freeway, some hilly terrain and a pattern of large, semi-rural lots.

Growth south of the freeway will be aided by the fact that there are now two trunk sanitary sewer lines extended south of I-94, one in the Highway 93 corridor via Loach Avenue and another in the Highway 53 corridor via a force main near the Holiday Inn site. Further description of the extension of trunk sanitary sewer and water lines to permitted locations is presented in the Utilities Analysis chapter of this plan.

Other helpful factors are the Intergovernmental Agreements and the *Sewer Service Area Plans* (for areas within the Towns of Washington and Brunswick, 2013), which guide land development, provide policy support and disallow most semi-rural platting in the Sewer Service Area. Those plans, which apply only to properties that are successfully petitioned for annexation to the City, presented patterns for future land use, collector roads, and trunk sewer and water lines.

Old Town Hall Road and Gunnes Road could provide access for housing development between Highway 93 and 53.

In the western part of the Sewer Service Area, West Lowes Creek Road (County Highway F) and South Lowes Creek Road will provide access to a large area that has not been overly divided.

Once south of I-94 in the Highway 93 corridor, it will probably be more feasible to move east rather than west. Gunnes Road could be extended to County Trunk Highway I for access. Lowes Creek and the large-lot land subdivisions interfere with movement to the west.

The recent development of the Prairie Park neighborhood, consisting of attached rental housing south of I-94 and west of US Highway 53, was the first sewered housing development south of I-94.

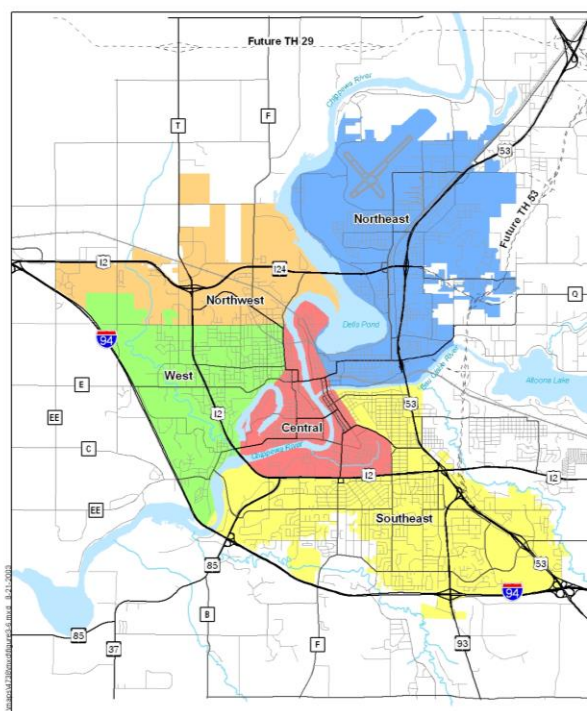


Figure 4-23: Sectors for the Land Use Description

East Side Hill Neighborhood

The East Side Hill Neighborhood, bounded by the Eau Claire River and Brackett Avenue, Harding Avenue and Hastings Way, includes housing that ranges in age from the 1880s to the 1930s. It is fully developed and mostly in stable condition with a relatively high rate of home ownership. The views from the edge of the bluff and the banks of the Eau Claire River are an underutilized amenities that may someday stimulate new investment.

Ownership of Hastings Way was turned over to the City from the State in 2012 after the State completely rebuilt it from six lanes to four and added landscaping, new lighting and pedestrian and bicyclist improvements. Redevelopment was occurring already in 2014, promoted by the new look of the corridor, lower traffic speeds and volumes, fewer heavy trucks and a 2012 land use and urban design plan. Brackett Avenue also has many opportunities for commercial redevelopment, which would also benefit the neighborhood.

A further description of the East Side Hill Neighborhood is presented in the Neighborhoods Analysis chapter.

Town Peninsulas

There is a long and winding peninsula of the Town of Washington that extends into southeastern Eau Claire from approximately Otter Creek, extending all the way to Clairemont Avenue at London Road. Sewer and water services are provided by the City without annexation, through an agreement in which the City acquired the former Washington Heights Sanitary District.

A portion of the Town of Washington extends well north of I-94 and past Lowes Creek Road up the State Street corridor almost to Hamilton Avenue. Part of the area north of Lowes Creek Road was once served by the Washington Sanitary District, which was acquired by the City in 1981. The district also provided water service in this area. Since 1981, those properties have been served by the City of Eau Claire even though they remain in the Town of Washington. Most of the parcels still have no public sewer service, and a few in the State Street corridor also lack public water service.

Northeast

The northeastern quadrant of the urban area along both sides of Hastings Way, now under City ownership, is an uneasy mixture of sewered and unsewered housing, business and industry. The sector is further divided by a railroad line along the highway, a spine of steep wooded hills, the new US 53 freeway and a major east-west power line. Jurisdiction is shared among the City, Seymour Township, the Village of Lake Hallie and the Counties of Eau Claire and Chippewa. Sanitary sewer service is provided only in the City, but the Sewer Service Area extends approximately three miles east of Hastings Way.

The City at one time expected to promote orderly urban investment and development of all of this quadrant but the incorporation of the Village will preclude sewer service into Chippewa County. Seymour Township, located to the south, is generally agreeable to landowner annexation petitions but the pattern of large lots and hilly terrain make that difficult.

The traffic function of Hastings Way has been diminished by an excessive number of driveways and street intersections for strip commercial and industrial development in the northeast part of the region. Most of these establishments face the highway and are served by frontage roads or direct access, as opposed to being oriented toward local streets. The overall appearance of the development along this corridor leaves room for improvement, as it has been developed under Town standards.

Central or Downtown

The Central Planning Sector consists of Downtown and the adjacent residential neighborhoods located generally between Dells Pond on the north and Clairemont Avenue on the south, Half Moon Lake on the west and the bluff on the east. Downtown can be conceived of as four districts:

1. **South Barstow:** The central retail and office core located southeast of the confluence of the rivers.

In 2014, a major redevelopment project was being debated for the southern confluence site west of Barstow Street and north of Eau Claire Avenue. This catalytic investment by a private developer, the University and the City would consist of student housing, retail space, a University performing arts center and a riverfront park.

The Confluence Project

In 2014, the City was considering financial assistance and physical planning options for a mixed- and multi-use development proposed for the southern bank of the river confluence. This partnership of a private developer, the University and the City would create 116 units of student housing, a performing arts center with three theaters and 1900 seats, University class rooms, space for retail businesses and restaurants, underground parking, a public plaza and riverfront path improvements.



Rendering of the residential and commercial portion of the *Confluence* redevelopment along South Barstow Street

2. North Barstow: The former heavy industrial area north of the Eau Claire River.

In 2014, the transformation of this quadrant of downtown continued. In place were Phoenix Park, a farmers' market, the State Trail bridge and trail head, the Royal Credit Union headquarters, two residential-retail mixed use buildings, a mixed-use retail-office building and two rehabilitated historic structures. Under construction were a major office building for JAMF Software and two more apartment buildings. In 2014, it was believed that the Post Office may soon be replaced by a parking structure serving the district. Plans are being considered for changes east of Barstow Street. All of this investment is consistent with the master plan that was developed by the City in the 1990s, and all of it has been done in an urban style with buildings up to the sidewalks.

3. West Riverside: The vicinity of Luther Mayo Hospital and Medical Center plus the upriver industrial area along Oxford Street.

Since the 2005 Comprehensive Plan, the Mayo Medical System has acquired the Midelfort Hospital and Clinic and added a wing of patients' rooms. In 2011, the City prepared the West Riverside District Plan, which will guide housing improvements, blight removal, riverfront parks and trails, and major residential and commercial investment along the riverfront. The City is transforming the former railroad bridge near Anderson Street into a bicycle and pedestrian crossing and has acquired the former railroad corridor that leads from the bridge to Roosevelt Elementary School for re-use as a trail. Water quality in Half Moon Lake has been greatly improved with help from the Wisconsin Department of Natural Resources.

4. Courthouse: The vicinity of the County Courthouse and the Grand Avenue commercial cluster.

Eau Claire County worked with the City and neighborhood residents to design and build an addition to its administrative, law and justice campus, including space for the Eau Claire Police Department. The City created an adjacent linear park along the Chippewa River. Both the Water Street and Madison Street bridges are programmed for reconstruction soon.

Land use changes and other improvements in the residential areas are recommended by five neighborhood plans, which are summarized in the Neighborhoods chapter of this Comprehensive Plan: North Side Hill, Historic Randall Park, Third Ward, North Riverfronts and West Riverside.

Generally, the interest of the residents of the central neighborhoods is to:

- Protect and improve the quality of their living environment by reversing certain rezoning decisions that were made (often in the 1960s and 1970s), to allow multiple-family buildings in single-family detached blocks
- To complete the evolution from older heavy industries and outdoor storage to residentially-compatible mixed-use buildings, mid-density housing or parks
- To reduce excess traffic and other nuisances.

Many of the land use changes in the neighborhoods involve replacing developments that are incompatible, such as an apartment building in the middle of a block of Victorian houses, or limiting the outward expansion of a commercial area. Other instances may involve enlarging a riverfront park or adding a nicely designed mixed-use building on the edge of a commercial district.

Proposed Event and Recreation Center

In a joint partnership, UW-Eau Claire and the YMCA of Eau Claire announced in 2014 that they hope to construct a new event and recreation complex to be located at 1111 Menomonie Street in the Historic Randall Park Neighborhood. The 23.4 acre site is being donated by County Materials Corporation, which plans to relocate its operations. The site is served by public transit and adjacent to Carson Park and the Chippewa River State Trail.

The proposal seeks to create an event center to replace the UW-EC Zorn Arena and includes building an activity center that would serve as a student recreation center and YMCA. The university and the YMCA would construct and own separate buildings that would be shared by both organizations. Mayo Clinic Health System was also a partner in the project.

Fund-raising and construction of the new YMCA building and event center are expected to occur from 2014 through 2019.

Natural Features as They Guide Development

Eau Claire is located at the junction of the Chippewa and Eau Claire Rivers and flanked by steep, wooded hills on the northeast, south and southwest. Surrounding the community, land is devoted to farming and dairy operations, open fields, woodlots, wetlands and lakes. These features make for a very attractive community and offer many outdoor recreation activities. The steep slopes pose limitations for urban development, and the woods that cover them provide an attractive green backdrop for the city.

Figure 3-8 illustrates the locations of “environmental corridors” as defined by the Wisconsin Department of Natural Resources, which include wetlands, shorelands, floodplains and steep slopes. Identifying and protecting these elements should provide some protection for wildlife, reduce runoff and erosion damage, help preserve the quality of surface and groundwater and protect aesthetic qualities. The environmental corridors are also recommended for protection in the *Chippewa Falls – Eau Claire Urban Sewer Service Plan*.

Soils and Geology

Soils in the vicinity of Eau Claire were formed by fine, silt-size particles carried along the Eau Claire River basin from melting glaciers over 10,000 years ago and later rearranged by wind and water. Consequently, many soils on the fringe of Eau Claire are suited for supporting buildings and roads but poor for detaining and degrading contaminants from the outflow of septic tanks. In addition, there are many locations around the city where the bedrock is within five feet of the surface of the ground, creating problems for building foundations and, especially, for siting septic tanks. High bedrock is particularly a problem to the northeast, the south (vicinity of County Trunk Highway F) and southeast (between TH 93 and US 53). The implication is that extensive unsewered growth could cause problems for ground and surface water and contaminate shallow wells.

Rivers and Floodplains

The Chippewa and Eau Claire Rivers were the primary reasons that Eau Claire came into existence, as they were used to float saw logs to mills near Dells Pond. They provide many scenic and recreational opportunities but, of course, pose some difficulties during periods of high water. Identifying and planning for the proper use of the edges of the rivers is and will continue to be an element of the land use plan and municipal land use regulations. Along the river there are floodplains and floodways that must be protected to minimize the extent of flooding and to protect property.

Wetlands and Lakes

Since there are relatively few wetlands and lakes in the immediate vicinity of Eau Claire, these forms of surface water are not a major planning and development factor. However, Half Moon Lake, located near the center of the community, is an important recreational site.

Agricultural Productivity

Most of the soils adjacent to the City of Eau Claire have been rated as “Local Importance” as opposed to “Prime” or Statewide Importance.” This means that production from row crops tends to be low and that the land is more suited for pasture. These ratings are reflected in the

fact that only a few landowners have enrolled their properties in the State Farmland Preservation Program. (Refer to the *Eau Claire Farmland Preservation Plan*.)

Archaeological Resources

There are many significant prehistoric and archaeological sites in and around Eau Claire because of the rivers. Land development should either avoid these locations, or the opportunity should be provided for individual sites to be studied before disturbance occurs.

Wellfield Protection

The City has a large well field immediately west of the airport. The site and resource are adequately protected by the public ownership of a large tract of land, and no special zoning regulations are needed at this time. The City must comply with a wellhead protection plan prepared by the Wisconsin Department of Natural Resources.

Urban Growth Opportunities

From the standpoint of natural resources, the most suitable directions for urban expansion around Eau Claire are to the northwest (west of the Chippewa River and north of Wisconsin Highway 312) and to the west. Those locations have flat or gently sloping topography, few steep slopes, very few wetlands and soils suited to buildings and roads. There are a few notable exceptions: the steep slopes along the Chippewa River bluffs (some of which are owned by the City for park) and the steep slopes in the extreme southwestern part of the city west of Sherman Creek.

Other areas amenable to expansion from an environmental perspective are portions of Seymour Township south of Burnell Drive, portions of Washington Township west of County Road AA but outside the Otter Creek valley, and portions of Washington Township along the Highway 93 corridor.

Annexation

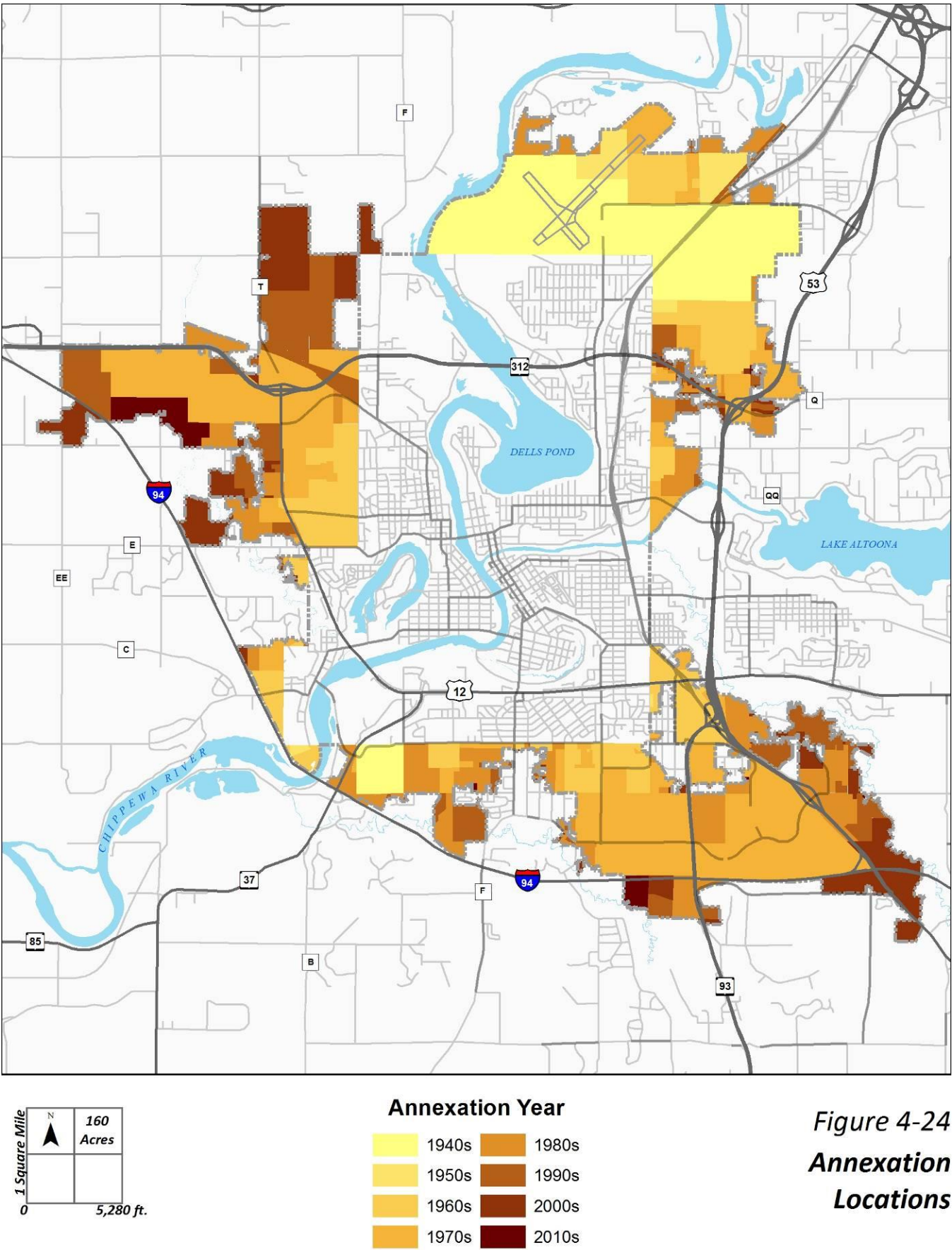
The City of Eau Claire annexed 4,351 acres of land between 1980 and 2012, an average of 136 acres per year, to provide locations for attractive urban investments with public sanitary sewer and water utilities, police and fire service, parks, street maintenance and other municipal benefits that greatly increase the value of the annexed land. The locations of the annexations that occurred between 2003 and 2012 are shown in Figure 4-23.

Table 4-8
Acres Annexed by Sector, 2003 to 2012, Annual Averages

	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	Total 2003- 2012	Annual Averages
North	1	2	8	31	-	17	2	2	-	-	63	6
South	92	8	46	142	8	1	65	8	2	54	426	43
East	-	-	-	-	-	-	-	-	-	1	1	0
West	83	6	93	-	6	172	5	1	1	2	369	37
Totals	176	16	147	173	14	190	72	11	3	57	859	86

Summary of State Annexation Statutes

Wisconsin laws pertaining to annexation are complicated but essential to the efficient and economic growth of the City and the metropolitan area. Appendix A provides a layman's summary of those statutes. In simple terms, land may only be annexed to a city if the landowner asks the city. It is very difficult for a Wisconsin city to successfully annex land unilaterally. This sometimes makes it difficult for a city to plan for and implement efficient urban growth, leading to higher costs for the public and a less functional metropolitan area.



Appendix A:

Development Activity by the Numbers

This section summarizes development trends using data compiled for the *Annual Development Report* published by the Eau Claire Department of Community Development.

Refer to Figure 4-24, Land Use Statistical Sectors, for the boundaries of the four districts described below. These districts were defined only for the purpose of description in this plan and have no other official status.

The annual average pace of multiple-family housing development has exceeded that of single-family housing in Eau Claire since at least 1980, and the difference appears to have grown since at least 2000.

The South Sector has led the way in housing growth, with the West Sector close behind. Directions of growth have been influenced by the rivers, major roads, the locations of the 19th Century sawmills and the location of Oakwood Shopping Mall. Housing costs and variety are also greater in the South and Southeast than the West and Northwest. Table 4-9 indicates that the greatest number and percentage of new housing units has been in the South Sector, followed by the West.

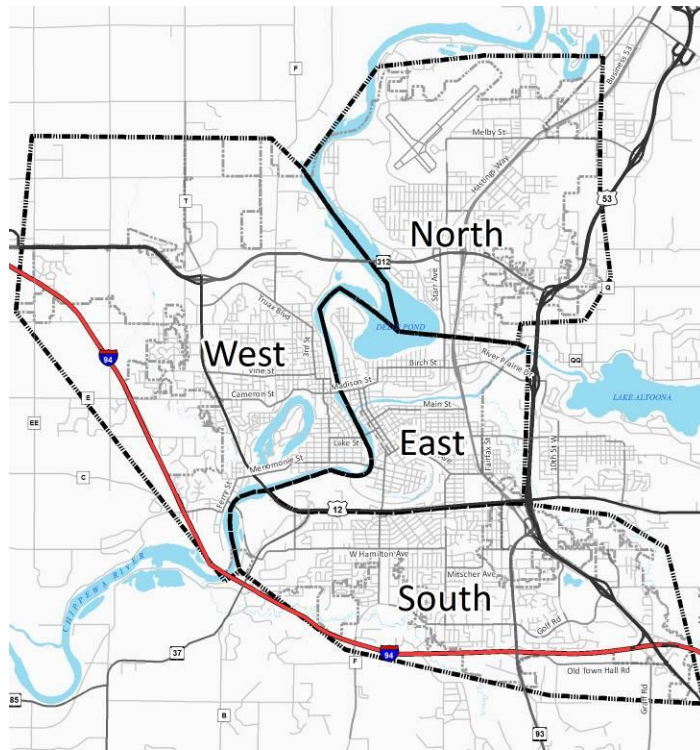


Figure 4-25:
Land Use Statistical
Sectors

Table 4-9
Housing Development Activity by Sector and Type, 1980 to 2012

	Single Family	Multiple Family	Sector Totals
1980-1989	102	156	
1990-1999	152	195	
2000-2002	171	366	
2003-2009			
North	15	15	30
South	30	80	111
East	2	8	10
West	63	31	95
Totals	129	204	333
2010-2012			
North	8	11	19
South	4	64	68
East	1	30	32
West	25	14	39
Totals	39	119	157
Grand Totals	135	212	347

Table 4-10
Housing Units by Planning Sector, 1990, 2000, 2010 and 2012

Planning Sector	1990	2000	2010	2012	Growth 1990 - 2012	% Growth 1990 - 2012	% Vacant 2012
North	3,986	4,587	4,783	4,823	837	21	1.9
South	4,825	6,831	7,835	8,004	3,179	66	5.1
East	6,654	6,631	7,345	7,404	750	11	8.9
West	5,404	6,846	8,102	8,153	2,749	51	5.6
Total	22,859	26,895	30,075	30,396	7,537	33	5.7

Source: City of Eau Claire

Housing counts as of December 31

As with the locations of housing development, the South and the West have led in the number of acres annexed during the 2003 through 2012 period.

Appendix B:

Forecast of Acreage Needed for Residential Development from 2015 to 2030

The following table indicates that approximately **1,803 acres** of land will be needed for Eau Claire's residential development between 2013 and 2030. Of that total, approximately **1,485 acres** will be newly-developed land outside of the 2015 City limits in the Sewer Service Areas of the five adjacent Towns. The balance, approximately **318 acres**, will be infill and redevelopment inside the 2014 City limits.

Key Assumptions:

- Infill and redevelopment housing units will represent **30 percent** of the total additional housing units during the 2014 to 2030 period.
- Average density of new units **within** the 2014 City limits: **5.0 units per gross acre**
- Average density of new units **outside** the 2014 City limits: **2.50 units per acre**

Additional land will be needed for **commercial and industrial** development, most of which will occur within the 2014 City limits. It is beyond the scope of this *Comprehensive Plan* update to estimate that acreage, however.

The land use plan map and the policies of this *Comprehensive Plan* do not depend on the accuracy of this year 2030 forecast.

This table is based on the forecasts prepared by the City of Eau Claire in 2012 (updated in 2014) for the *Sewer Service Area Plans*.

Table 4-11
Forecast of Eau Claire Residential Acreage Growth, 2014 to 2030

City of Eau Claire	2010	End of 2013	2030	Change 2013 to 2030	
Housing Units	27,507	28,301	33,605	5,304	
Detached Housing Units	15,702	16,176	19,183	3,007	
Attached Housing Units	11,805	12,125	14,422	2,297	
Total City Housing Units Growth				5,304	
Within 2012 City Border				1,591	30%
In Towns' Sewer Service Areas				3,713	
Forecast Acreage Needed for Housing Growth, 2014-2030					
Forecast Number of Additional Housing Units <u>inside</u> 2014 City Limits				1,591	
Assumed Units per Gross Acre				5.0	
Estimated Housing Acreage				318	
Forecast Number of Housing Units <u>outside</u> 2014 City Limits				3,713	
Assumed Units per Gross Acre				2.50	
Estimated Housing Acreage				1,485	
Total Residential Acreage Needed				1,803	

Updated December 13, 2014

2013 housing units count from City building permit records

An analysis in 2014 by the City indicated that there were 833 residentially-zoned parcels in the City that are privately owned, undeveloped and between 5,000 square feet and 1.5 acres in size. In addition, there are 179 private parcels zoned residentially that have an area greater than 1.5 acres.

Thus, there seems to be sufficient land already in the City to accommodate the 1,591 additional housing units forecast to be located within the City as indicated by Table 4-11, above.

There is more than enough land in the Sewer Service Area to accommodate sewerred, City-style housing growth outside the City, which may be annexed from the Towns to the City.

Table 4-12
Housing Acreage Forecast to Be Needed from Towns, 2014 – 2030

	Acres
Brunswick	106
Union	530
Wheaton	212
Seymour	106
Washington	530
Total Acreage Needed	1,485

Appendix C:

Summary of Wisconsin Annexation Powers of a City

Methods of Annexation

Wisconsin law makes it difficult for a city to annex land from an adjacent town. Under either of the two methods described below, a majority of the landowners in the annexation area must approve the action, in some cases more than once.

Annexation Initiated by Electors

Annexation of land to a city by petition from the landowner(s) may be accomplished by either of two methods:

- a. If petitioned to the city by at least one-half of the landowners of the territory to be annexed, either in area or real property value, and two-thirds of the City Council approves the petition; or
- b. If at least half of the owners of real property, either in area or value, petition for a referendum, and a majority of the electors in the territory vote to approve the annexation. The state Department of Administration may advise the town and the city whether it thinks the annexation is in the public interest (defined by which jurisdiction could best provide services and the shape of the territory to be annexed).

The statutes governing annexation are found in 66.0217 through 66.0219 of Wisconsin Statutes.

Appendix D:

Extra-territorial Plat Approval Powers of a City

Extra-territorial Subdivision Review

If a subdivision plat is proposed in a part of a town within 3 miles of a City of the First, Second or Third Class, the final plat may not be recorded unless it has been approved by the town, the County and the City. Under State law, a “subdivision” is defined as the act of creating, by division, five or more parcels of land that are 1.5 acres in size or smaller, including those created by successive divisions within five years. The City of Eau Claire and Eau Claire County have modified this definition by local ordinance to include all parcels that are 20 acres in size or smaller.

The City and County also require certified survey maps for any division of land into 4 or fewer parcels of 20 acres or less in size. Under agreement by the City and County, all lots within the City’s 3-mile plat review area must be at least 1.5 acres in size or larger if served with private septic systems. The City Plan Commission may also require resubdividable lots for any parcel greater than 1.5 acres in size if it is in an area planned for sanitary sewer.

In addition, the Wisconsin Supreme Court declared in a 2003 decision in the case of Wood vs. the City of Madison: “we conclude that Wis. Stat. ch. 236 (1999-2000) does authorize a municipality to reject a preliminary plat under its extraterritorial jurisdictional authority based upon a subdivision ordinance that considers the plat’s proposed use.” That ruling gives Wisconsin cities broad new powers to reject proposed subdivisions in adjacent towns up to three miles from the city’s border.

Extra-territorial Zoning

A City and an adjacent Town may cooperate on planning and zoning for that part of a Town within three miles of the City. A City Council may create and adopt a plan and zoning regulations for the area within three miles of its borders if:

- a. The area is contiguous to the City, and
- b. The City publishes its intentions to do so in the general newspaper and notifies the town clerk, and
- c. The City and the Town each appoint three members to a joint planning committee for the territory outside the City (the town is required to appoint three members and the city three members), and
- d. Any such plan or zoning regulations are approved by a majority of the six person joint planning committee after a public hearing on the matter.

Appendix E:

Wisconsin Statute 66.0301, Intergovernmental Cooperation

(1)

(a) Except as provided in pars. (b) and (c), in this section "municipality" means the state or any department or agency thereof, or any city, village, town, county, school district, public library system, public inland lake protection and rehabilitation district, sanitary district, farm drainage district, metropolitan sewerage district, sewer utility district, solid waste management system created under s. [59.70 \(2\)](#), local exposition district created under subch. [II of ch. 229](#), local professional baseball park district created under subch. [III of ch. 229](#), local professional football stadium district created under subch. [IV of ch. 229](#), local cultural arts district created under subch. [V of ch. 229](#), long-term care district under s. [46.2895](#), water utility district, mosquito control district, municipal electric company, county or city transit commission, commission created by contract under this section, taxation district, regional planning commission, housing authority created under s. [66.1201](#), redevelopment authority created under s. [66.1333](#), community development authority created under s. [66.1335](#), or city-county health department.

(b) If the purpose of the intergovernmental cooperation is the establishment of a joint transit commission, "municipality" means any city, village, town or county.

(c) For purposes of sub. [\(6\)](#), "municipality" means any city, village, or town.

(2) Subject to s. [59.794 \(2\)](#), and in addition to the provisions of any other statutes specifically authorizing cooperation between municipalities, unless those statutes specifically exclude action under this section, any municipality may contract with other municipalities and with federally recognized Indian tribes and bands in this state, for the receipt or furnishing of services or the joint exercise of any power or duty required or authorized by law. If municipal or tribal parties to a contract have varying powers or duties under the law, each may act under the contract to the extent of its lawful powers and duties. A contract under this subsection may bind the contracting parties for the length of time specified in the contract. This section shall be interpreted liberally in favor of cooperative action between municipalities and between municipalities and Indian tribes and bands in this state.

(3) Any contract under sub. [\(2\)](#) may provide a plan for administration of the function or project, which may include but is not limited to provisions as to proration of the expenses involved, deposit and disbursement of funds appropriated, submission and approval of budgets, creation of a commission, selection and removal of commissioners, and formation and letting of contracts.

(4) A commission created by contract under sub. [\(2\)](#) may finance the acquisition, development, remodeling, construction and equipment of land, buildings and facilities for regional projects under s. [66.0621](#). Participating municipalities acting jointly or separately may finance the projects, or an agreed share of the cost of the projects, under ch. [67](#).

(5) No commission created by contract under sub. [\(2\)](#) may, directly or indirectly, do any of the following:

(a) Acquire, construct or lease facilities used or useful in the business of a public utility engaged in production, transmission, delivery or furnishing of heat, light, power, natural gas or communications service, by any method except those set forth under this chapter or ch. [196](#), [197](#) or [198](#).

(b) Establish, lay out, construct, improve, discontinue, relocate, widen or maintain any road or highway outside the corporate limits of a village or city or acquire lands for those purposes

except upon approval of the department of transportation and the county board of the county and the town board of the town in which the road is to be located.

(6)

(a) Any 2 municipalities whose boundaries are immediately adjacent at any point may enter into a written agreement determining all or a portion of the common boundary line between the municipalities. An agreement under this subsection may include only the provisions authorized under this section and s. [66.0305](#), and one or more of the following:

1. That specified boundary lines apply on the effective date of the agreement.
2. That specified boundary line changes shall occur during the term of the agreement and the approximate dates by which the changes shall occur.
3. That specified boundary line changes may occur during the term of the agreement and the approximate dates by which the changes may occur.
4. That a required boundary line change under subd. [2.](#) or an optional boundary line change under subd. [3.](#) is subject to the occurrence of conditions set forth in the agreement.
5. That specified boundary lines may not be changed during the term of the agreement.

(b) The maximum term of an agreement under this subsection is 10 years. When an agreement expires, all provisions of the agreement expire, except that any boundary determined under the agreement remains in effect until subsequently changed.

(c)

1. Before an agreement under this subsection may take effect, and subject to par. [\(e\)](#), it must be approved by the governing body of each municipality by the adoption of a resolution. Before each municipality may adopt a resolution, each shall hold a public hearing on the agreement or both municipalities shall hold a joint public hearing on the agreement. Before the public hearing may be held, each municipality shall give notice of the pending agreement and public hearing by publishing a class 1 notice, under ch. [985](#), and by giving notice to each property owner whose property is currently located in that municipality and in, or immediately adjacent to, the territory whose jurisdiction will change. Notice shall be given at least 20 days before the public hearing and notice to property owners shall be made by certified mail.

2. An agreement under this subsection is subject to a referendum of the electors residing within the territory whose jurisdiction is subject to change as a result of the agreement. After each municipality approves the agreement by adoption of a resolution, each municipality shall publish the agreement in the territory whose jurisdiction is subject to change as a result of the agreement as a class 1 notice, under ch. [985](#). A referendum shall be held if, within 30 days after the publication of the agreement, a petition for a referendum conforming to the requirements of s. [8.40](#), signed by at least 20 percent of the electors residing within the territory whose jurisdiction is subject to change as a result of the agreement is filed, in accordance with s. [8.37](#), with the clerk of each municipality that is a party to the agreement. The referendum shall be conducted jointly by the municipalities and shall otherwise be conducted as are annexation referenda. If the agreement is approved in the referendum, it may take effect. If the agreement is not approved in the referendum, it may not take effect.

(d) An agreement under this subsection may provide that, during the term of the agreement, no other procedure for altering a municipality's boundaries may be used to alter a boundary that is affected by the agreement, except an annexation conducted under s. [281.43 \(1m\)](#), regardless of whether the boundary is proposed to be maintained or changed or is allowed to be changed under the agreement. After the agreement has expired, the boundary may be altered.

(e) A boundary change included in an agreement under this subsection shall be accomplished by the enactment of an ordinance by the governing body designated to do so in the agreement. The filing and recording requirements under s. [66.0217 \(9\) \(a\)](#), as they apply to cities and villages under s. [66.0217 \(9\) \(a\)](#), apply to municipalities under this subsection. The requirements for the secretary of state under s. [66.0217 \(9\) \(b\)](#), as they apply under that section, apply to the secretary of state when he or she receives an ordinance that is filed under this subsection.

(f) No action to contest the validity of an agreement under this subsection may be commenced after 60 days from the date the agreement becomes effective.

(g) This subsection is the exclusive authority under this section for entering into an agreement that determines all or a portion of the common boundary line between municipalities.

(h) An agreement under this section that has been entered into before January 19, 2008, that affects the location of a boundary between municipalities, is not invalid as lacking authority under this section to affect the location of the boundary.

Appendix F:

Wisconsin Statute 66.0305, Political Subdivision Revenue Sharing

66.0305 Political subdivision revenue sharing.

(1) Definition. In this section, "political subdivision" means a city, village, town, or county.

(2) Political subdivision revenue sharing agreement. Subject to the requirements of this section, any 2 or more political subdivisions may, by a majority vote of a quorum of their governing bodies, enter into an agreement to share all or a specified part of revenues derived from taxes and special charges, as defined in s. [74.01 \(4\)](#). One or more political subdivisions may enter into agreements under this section with federally recognized American Indian tribes or bands.

(3) Public hearing. At least 30 days before entering into an agreement under sub. (2), a political subdivision shall hold a public hearing on the proposed agreement. Notice of the hearing shall be published as a class 3 notice under ch. [985](#).

(4) Specifications.

(a) An agreement entered into under sub. (2) shall meet all of the following conditions:

1. The term of the agreement shall be for at least 10 years.
2. The boundaries of the area within which the revenues are to be shared in the agreement shall be specified.
3. The formula or other means of determining the amount of revenues to be shared under the agreement shall be specified.
4. The date upon which revenues agreed to be shared under the agreement shall be paid to the appropriate political subdivision shall be specified.
5. The method by which the agreement may be invalidated after the expiration of the minimum period specified in par. (a) 1. shall be specified.

(b) An agreement entered into under sub. (2) may address any other appropriate matters, including any agreements with respect to services or agreements with respect to municipal boundaries under s. [66.0225](#), [66.0301 \(6\)](#), or [66.0307](#).

(5) Contiguous boundaries. No political subdivision may enter into an agreement under sub. (2) with one or more political subdivisions unless the political subdivision is contiguous to at least one other political subdivision that enters into the agreement.

(6) Advisory referendum.

(a) Within 30 days after the hearing under sub. (3), the governing body of a participating political subdivision may adopt a resolution calling for an advisory referendum on the agreement. An advisory referendum shall be held if, within 30 days after the hearing under sub. (3), a petition, signed by a number of qualified electors equal to at least 10% of the votes cast for governor in the political subdivision at the last gubernatorial election, is filed with the clerk of a participating political subdivision, requesting an advisory referendum on the revenue sharing plan. The petition shall conform to the requirements of s. [8.40](#) and shall be filed as provided in s. [8.37](#). If an advisory referendum is held, the political subdivision's governing body may not vote to approve the agreement under sub. (2) until the report under par. (d) is filed.

(b) The advisory referendum shall be held not less than 70 days nor more than 100 days after adoption of the resolution under par. (a) calling for the referendum or not less than 70 days

nor more than 100 days after receipt of the petition under par. (a) by the municipal or county clerk. The municipal or county clerk shall give notice of the referendum by publishing a notice in a newspaper of general circulation in the political subdivision, both on the publication day next preceding the advisory referendum election and one week prior to that publication date.

(c) The advisory referendum shall be conducted by the political subdivision's election officials. The governing body of the political subdivision may specify the number of election officials for the referendum. The ballots shall contain the words "For the revenue sharing agreement" and "Against the revenue sharing agreement" and shall otherwise conform to the provisions of s. 5.64 (2). The election shall be conducted as are other municipal or county elections in accordance with chs. 6 and 7, insofar as applicable.

(d) The election inspectors shall report the results of the election, showing the total number of votes cast and the numbers cast for and against the revenue sharing. The election inspectors shall attach their affidavit to the report and immediately file the report in the office of the municipal or county clerk.

(e) The costs of the advisory referendum election shall be borne by the political subdivision that holds the election.

Appendix G:

Wisconsin Statute 55.0307, Boundary Change Pursuant to an Approved Cooperation Plan

66.0307 Boundary change pursuant to approved cooperative plan.

(1) DEFINITIONS. In this section:

(af) "Comprehensive plan" means an adopted plan that contains the elements under s. [66.1001 \(2\)](#) or, if a municipality has not adopted a plan that contains those elements, a master plan adopted under s. [62.23 \(2\)](#) or [\(3\)](#).

(am) "Department" means the department of administration.

(b) "Municipality" means a city, village or town.

(2) BOUNDARY CHANGE AUTHORITY. Any combination of municipalities may determine the boundary lines between themselves under a cooperative plan that is approved by the department under this section. A single city or village and a single town may use the mediated agreement procedure under sub. [\(4m\)](#) to determine a common boundary line under a cooperative plan that is approved by the department under this section. No boundary of a municipality may be changed or maintained under this section unless the municipality is a party to the cooperative agreement. The cooperative plan shall provide one or more of the following:

(a) That specified boundary line changes shall occur during the planning period and the approximate dates by which the changes shall occur.

(b) That specified boundary line changes may occur during the planning period and the approximate dates by which the changes may occur.

(c) That a required boundary line change under par. [\(a\)](#) or an optional boundary line change under par. [\(b\)](#) shall be subject to the occurrence of conditions set forth in the plan.

(d) That specified boundary lines may not be changed during the planning period.

(3) COOPERATIVE PLAN.

(a) *Who may prepare plan.* The municipalities that propose to set the boundary lines between themselves under this section shall prepare a cooperative plan.

(b) *Purpose of plan.* The cooperative plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the territory covered by the plan consistent with the comprehensive plan of each participating municipality.

(c) *Content of plan; consistency with comprehensive plan.* The cooperative plan shall describe how it is consistent with each participating municipality's comprehensive plan.

(d) *Content of plan; boundaries and services.* The cooperative plan shall:

1. Identify any boundary change and any existing boundary that may not be changed during the planning period.

2. Identify any conditions that must be met before a boundary change may occur.

3. Include a schedule of the period during which a boundary change shall or may occur.

4. Include a statement explaining how any part of the plan related to the location of boundaries meets the approval criteria under sub. [\(5\) \(c\) 5.](#)

5. Describe the services to be provided to the territory covered by the plan, identify the providers of those services and indicate whether the provision of any service has received preliminary approval of any relevant governmental regulatory authority.
6. Include a schedule for delivery of the services described under subd. [5](#).
7. Include a statement explaining how provision under the plan for the delivery of necessary municipal services to the territory covered by the plan meets the approval criterion under sub. [\(5\) \(c\) 3](#).
8. Designate the municipalities that are participating in the cooperative plan and that are required to ratify any boundary changes by enacting an ordinance under sub. [\(10\)](#).
 - (e) *Content of plan; compatibility with existing law.* The cooperative plan shall describe how the plan is consistent with current state and federal laws, county shoreland zoning ordinances under s. [59.692](#), municipal regulations and administrative rules that apply to the territory affected by the plan.
 - (f) *Content of plan; planning period.* The cooperative plan shall specify the duration of the proposed planning period, which shall be for a period of 10 years, except that the duration of the proposed planning period may be for a period greater than 10 years if a duration greater than 10 years is approved by the department.
 - (g) *Content of plan; zoning agreement.* The cooperative plan shall include all agreements under sub. [\(7m\)](#).
 - (h) *Existing plans may be used.* A cooperative plan may be based on, contain elements of or duplicate any existing plan for the same territory.
- (4) PROCEDURE FOR ADOPTING COOPERATIVE PLAN.
 - (a) *Authorizing resolution.* Each municipality that intends to participate in the preparation of a cooperative plan under this section shall adopt a resolution authorizing participation in the preparation of the plan. Notice of each resolution shall be given in writing, within 5 days after the resolution is adopted, to all of the following:
 1. The department, the department of natural resources, the department of agriculture, trade and consumer protection and the department of transportation.
 2. The clerks of any municipality, school district, technical college district, sewerage district or sanitary district which has any part of its territory within 5 miles of a participating municipality.
 3. The clerk of each county in which a participating municipality is located.
 4. Any county zoning agency under s. [59.69 \(2\)](#) or regional planning commission whose jurisdiction includes a participating municipality.
 - (b) *Public hearing.* At least 60 days after adoption under par. [\(a\)](#) of the last resolution by a participating municipality and at least 60 days before submitting a cooperative plan to the department for review and approval under sub. [\(5\)](#), the participating municipalities shall hold a joint hearing on the proposed plan. Notice of the hearing shall be given by each participating municipality by class 3 notice under ch. [985](#).
 - (c) *Comment on plan.* Any person may comment on the plan during the hearing and may submit written comments before, at or within 20 days following the hearing. All comments shall be considered by each participating municipality. A county zoning agency under s. [59.69 \(2\)](#) or regional planning commission whose jurisdiction includes any participating municipality shall comment in writing on the plan's effect on the master plan adopted by the regional planning commission under s. [66.0309 \(9\)](#), or development plan adopted by the county board or county planning agency under s. [59.69 \(3\)](#), and on the delivery of municipal

services, and may comment on any other aspect of the plan. A county in the regional planning commission's jurisdiction may submit comments on the effect of the cooperative plan on the master plan adopted under s. [66.0309 \(9\)](#) and on the delivery of county services or on any other matter related to the plan.

(d) Adoption of final plan.

1. Subject to subd. [2.](#), after the public hearing under par. [\(b\)](#) and consideration of comments made on the proposed cooperative plan, the plan participants may revise the plan in response to the comments and may, by resolution adopted by each participating municipality, adopt a final version of the plan.

2. If within 30 days after the public hearing under par. [\(b\)](#) a petition opposing the plan, signed by a number of qualified electors equal to at least 10% of the votes cast for governor in the municipality at the last gubernatorial election, is filed with the clerk of a participating municipality, the final version of the plan may be adopted in that municipality only by an affirmative vote of three-fourths of the members of the municipality's governing body who are present and voting. The petition shall conform to the requirements of s. [8.40](#).

(e) Advisory referendum.

1. Within 30 days after adoption of a final plan under par. [\(d\)](#), the governing body of a participating municipality may adopt a resolution calling for an advisory referendum on the plan. An advisory referendum shall be held if, within 30 days after adoption of the final plan under par. [\(d\)](#), a petition, signed by a number of qualified electors equal to at least 10% of the votes cast for governor in the municipality at the last gubernatorial election, is filed with the clerk of a participating municipality and as provided in s. [8.37](#), requesting an advisory referendum on the cooperative plan. The petition shall conform to the requirements of s. [8.40](#).

2. The advisory referendum shall be held not less than 70 days nor more than 100 days after adoption of the resolution under subd. [1.](#) calling for the referendum or not less than 70 days nor more than 100 days after receipt of the petition by the municipal clerk. The municipal clerk shall give notice of the referendum by publishing a notice in a newspaper of general circulation in the municipality, both on the publication day next preceding the advisory referendum election and one week prior to that publication date.

3. The advisory referendum shall be conducted by the municipal election officials. The governing body of the municipality may specify the number of election officials for the referendum. The ballots shall contain the words "For the cooperative plan" and "Against the cooperative plan" and shall otherwise conform to the provisions of s. [5.64 \(2\)](#). The election shall be conducted as are other municipal elections in accordance with chs. [6](#) and [7](#), insofar as applicable.

4. The election inspectors shall report the results of the election, showing the total number of votes cast and the numbers cast for and against the cooperative plan. The election inspectors shall attach their affidavit to the report and immediately file the report in the office of the municipal clerk. The election inspector shall file a certified report of the results in the office of the clerk of each municipality that is a party to the cooperative plan.

5. The costs of the advisory referendum election shall be borne by the municipality that holds the election.

(f) Submittal of final plan to department. If no advisory referendum is held under par. [\(e\)](#), the plan participants may submit the final version of the cooperative plan to the department for approval under sub. [\(5\)](#) at least 60 days but not more than 180 days after the public hearing under par. [\(b\)](#). If an advisory referendum is held under par. [\(e\)](#), each participating municipality shall determine, by resolution, whether to submit the final version of the cooperative plan to the department for approval under sub. [\(5\)](#). The resolution shall be

adopted within 60 days after the last advisory referendum is held. If any of the plan participants fails or refuses to approve submittal of the cooperative plan to the department, the plan may not be submitted. Any written comment received by a participating municipality on any version of the cooperative plan shall be submitted to the department at the time that the cooperative plan is submitted. If the cooperative plan is not submitted to and approved by the department, it may not be implemented under this section by any of the participating municipalities.

(4m) MEDIATED AGREEMENT PROCEDURE.

(a)

1. As an alternative to the parties mutually invoking the procedure under this section, a city, village, or town may petition the department for mediation of a cooperative plan under this paragraph.

2. A city or village may petition for mediation if all of the following apply:

a. The city or village adopts an authorizing resolution under sub. [\(4\) \(a\) \(intro.\)](#) and requests in writing an adjacent town to adopt an authorizing resolution under sub. [\(4\) \(a\) \(intro.\)](#) and the town fails to adopt the resolution within 60 days after the request is received by the town.

b. The city or village has adopted a comprehensive plan.

3. A town may petition for mediation if all of the following apply:

a. The town adopts an authorizing resolution under sub. [\(4\) \(a\) \(intro.\)](#) and requests in writing an adjacent city or village to adopt an authorizing resolution under sub. [\(4\) \(a\) \(intro.\)](#) and the city or village fails to adopt the resolution within 60 days after the request is received by the city or village.

b. The town has adopted a comprehensive plan.

(b) A municipality that is authorized under par. [\(a\)](#) to petition the department for mediation and elects to do so shall submit the petition within 90 days after the municipality has adopted the authorizing resolution described in par. [\(a\) 2. a.](#) or [3. a.](#) Upon receipt of a petition for mediation, the department shall notify the nonpetitioning adjacent municipality identified in the petition that the petition has been submitted. Within 45 days after receipt of notice from the department that a petition has been submitted, the nonpetitioning municipality shall notify the department whether it agrees to engage in mediation to develop a cooperative plan under this section. Failure of the nonpetitioning municipality to timely notify the department is considered notice that the municipality does not agree to engage in mediation. The department shall send written notice of the nonpetitioning municipality's decision, on whether it will participate, to the petitioning municipality. If the nonpetitioning municipality refuses to engage in mediation, the petitioning municipality may not submit a petition under this paragraph involving the same nonpetitioning municipality for a period of 3 years after the department sends notice of the refusal.

(c)

1. If a nonpetitioning town refuses under par. [\(b\)](#) to engage in mediation, the town may not contest any annexation of its territory to the petitioning city or village that is commenced during the shorter of the following periods:

a. The period of 270 days beginning after the town refuses under par. [\(b\)](#) to engage in mediation.

b. The period beginning on the date the town refuses under par. [\(b\)](#) to engage in mediation and ending on the date the town agrees to engage in mediation.

2. If a nonpetitioning city or village refuses under par. (b) to engage in mediation, an annexation of territory of the petitioning town to the nonpetitioning city or village that is commenced during the shorter of the following periods shall be reviewed by the department in the manner described under s. 66.0217 (6), regardless of the population of the county in which the annexation proceeding is commenced, and, notwithstanding s. 66.0217 (11) (c), may be contested by the town if the department determines that the annexation is not in the public interest:

a. The period of 270 days beginning after the city or village refuses under par. (b) to engage in mediation.

b. The period on the date the city or village refuses under par. (b) to engage in mediation and ending on the date the city or village agrees to engage in mediation.

(d)

1. If both the petitioning municipality and nonpetitioning municipality agree to engage in mediation to develop a cooperative plan under this section, the municipalities shall select a mediator. The department may assist the municipalities in selecting a mediator. If the municipalities are unable to agree on the selection of a mediator, the department shall furnish a list of 5 mediators to the municipalities. The municipalities shall alternatively strike a name from the list until one name remains, who shall be the mediator.

2. The mediator shall assist the parties through recognized mediation techniques to develop and reach agreement on a cooperative plan under this section. Unless the participating municipalities agree to extend the mediation period, the mediation period expires after 270 days. Unless they agree otherwise, the participating municipalities are equally responsible for the costs of the mediation.

(e) Before the participating municipalities engage in mediation under this subsection, each shall adopt a resolution under sub. (4) (a) (intro.) and provide the required notice of the resolution. Notwithstanding sub. (4) (b), if the participating municipalities agree on a cooperative plan under this subsection, a public hearing on the plan shall be held under sub. (4) (b) no sooner than 45 days after agreement is reached and at least 45 days before submitting the plan to the department for review and approval under sub. (5).

(f) If any litigation contesting annexation of territory of the petitioning or nonpetitioning town to the city or village is commenced during the 3-year period after the department receives the petition for mediation under par. (b), the judge shall under s. 802.12 (2), unless the nonpetitioning municipality objects, order the parties to select a settlement alternative under s. 802.12 (1) (i) as a means to attempt settlement.

(5) DEPARTMENT REVIEW AND APPROVAL OF LOCAL OR COOPERATIVE PLAN.

(a) *Generally.* The department shall make a written determination of whether to approve a cooperative plan within 90 days after receiving the plan unless the department and the parties to the plan agree to a longer determination period. The department shall consider written comments on the plan received by a municipality under sub. (4) (c) that is submitted to the department under sub. (4) (f) or from any other source. The department may request information relating to the cooperative plan, including any comprehensive plan or land use plan currently being utilized by any participating municipality, from that municipality, and from any county or regional planning commission. The department may seek and consider comments from any state agency on whether the cooperative plan is consistent with state laws and administrative rules under the agency's jurisdiction. Any state agency requested to comment on a cooperative plan shall comply with the request. The department shall issue its determination of whether to approve the cooperative plan in writing, supported by specific findings based on the criteria under par. (c). The approval or disapproval of a cooperative

plan by the department under this section is not a contested case, as defined in s. [227.01 \(3\)](#), for purposes of ch. [227](#).

(b) Hearing. Any person may request a public hearing before the department on a cooperative plan submitted to the department for approval. A request for a public hearing shall be in writing and shall be submitted to the department within 10 days after the cooperative plan is received by the department. If requested, the department shall, and on its own motion the department may, hold a public hearing on the cooperative plan. If requested to hold a public hearing, the department is required to hold only one hearing, regardless of the number of requests for a hearing. Any public hearing under this paragraph shall be held in a municipality that is a party to the cooperative plan.

(c) Approval of cooperative plan. A cooperative plan shall be approved by the department if the department determines that all of the following apply:

1. The content of the plan under sub. [\(3\) \(c\)](#) to [\(e\)](#) is sufficient to enable the department to make the determinations under subds. [2.](#) to [5.](#)
2. The cooperative plan is consistent with each participating municipality's comprehensive plan and with current state laws, municipal regulations, and administrative rules that apply to the territory affected by the plan.
3. Adequate provision is made in the cooperative plan for the delivery of necessary municipal services to the territory covered by the plan.
5. The shape of any boundary maintained or any boundary change under the cooperative plan is not the result of arbitrariness and reflects due consideration for compactness of area. Considerations relevant to the criteria under this subdivision include quantity of land affected by the boundary maintenance or boundary change and compatibility of the proposed boundary maintenance or boundary change with natural terrain including general topography, major watersheds, soil conditions and such features as rivers, lakes and major bluffs.
6. Any proposed planning period exceeding 10 years is consistent with the plan.

(d) Return and resubmittal of plan. The department may return a cooperative plan, with comments, if the department determines that the cooperative plan, if revised, may constitute a plan that can be approved by the department. If a cooperative plan is returned under this paragraph, each participating municipality may revise the plan, as directed by the department, adopt the revised plan by resolution and resubmit the plan to the department within 90 days after the plan is returned. After receiving a resubmitted cooperative plan, the department shall make a determination on approval within 30 days.

(6) BINDING ELEMENTS OF COOPERATIVE PLAN. If a cooperative plan is approved by the department under sub. [\(5\)](#) or an amended plan is approved under sub. [\(8\)](#), provisions in the plan to maintain existing boundaries, the boundary changes in the plan, the schedule for those changes, the plan for delivery of services and the schedule for those services are binding on the parties to the plan and have the force and effect of a contract.

(7) OTHER BOUNDARY PROCEDURES.

(a) Other procedures after hearing. After the joint hearing under sub. [\(4\) \(b\)](#) is held, no other procedure, except the procedure under s. [281.43 \(1m\)](#), for altering a municipality's boundaries may be used to alter a boundary included in the proposed cooperative plan under sub. [\(3\) \(d\) 1.](#) until the boundary is no longer included in the proposed cooperative plan, the municipality withdraws from the proposed cooperative plan or the proposed cooperative plan fails to receive approval from the department, whichever occurs first.

(b) Other boundary procedures during the planning period. During the planning period specified under sub. [\(3\) \(f\)](#), no other procedure for altering a municipality's boundaries may

be used to alter a boundary that is included in the cooperative plan under sub. (3)(d) 1., except if an annexation is conducted under s. 281.43 (1m), regardless of whether the boundary is proposed to be maintained or changed or is allowed to be changed under the plan. After the planning period has expired, the boundary may be altered.

(7m) ZONING IN TOWN TERRITORY. If a town is a party to a cooperative plan with a city or village, the town and city or village may agree, as part of the cooperative plan, to authorize the town, city or village to adopt a zoning ordinance under s. 60.61, 61.35 or 62.23 for all or a portion of the town territory covered by the plan. The exercise of zoning authority by a town under this subsection is not subject to s. 60.61 (3) or 60.62 (3). If a county zoning ordinance applies to the town territory covered by the plan, that ordinance and amendments to it continue until a zoning ordinance is adopted under this subsection. If a zoning ordinance is adopted under this subsection, that zoning ordinance continues in effect after the planning period ceases until a different zoning ordinance for the territory is adopted under other applicable law. This subsection does not affect zoning ordinances adopted under s. 59.692 or 87.30 or ch. 91.

(8) AMENDMENTS TO COOPERATIVE PLAN.

(a) Authority to amend plan. A cooperative plan may be amended during the planning period if all the parties to the plan agree to the amendment and if the amendment is approved by the department.

(b) When full procedure required. An amendment to a cooperative plan that proposes to change a municipality's boundary or to change the approved planning period shall follow the same procedure as that required for an original plan.

(c) When expedited procedure may occur. An amendment to a cooperative plan that does not propose to change a boundary or the planning period shall follow the same procedure as that required for an original plan except that the hearing under sub. (4)(b) is not required unless objection to the amendment is made in writing by any person to the clerk of a participating municipality. An amendment under this paragraph shall be adopted by resolution of each of the participating municipalities. Notice of the amendment and adopting resolution shall follow the procedures specified in sub. (4)(a). Notice that the amendment will be submitted directly to the department unless objection is made in writing shall be given by each participating municipality by a class 3 notice under ch. 985. If no written objection to the amendment is received within 7 days after the last required notice is published, the amendment may be submitted directly to the department for approval. If written objection is timely made, the public hearing and other requirements under sub. (4)(b) and (c) apply.

(9) COURT REVIEW OF DEPARTMENT DECISION. The decision of the department under sub. (5)(c) or (d) or (8) to approve or not to approve a cooperative plan or an amendment to a plan is subject to judicial review under ch. 227.

(10) BOUNDARY CHANGE ORDINANCE; FILING AND RECORDING REQUIREMENTS. A boundary change under a cooperative plan shall be accomplished by the enactment of an ordinance by the governing body designated to do so in the plan. The filing and recording requirements under s. 66.0217 (9)(a), as they apply to cities and villages under s. 66.0217 (9)(a), apply to municipalities under this subsection. The requirements for the secretary of state are the same as those required in s. 66.0217 (9)(b).

(11) TIME FOR BRINGING ACTION. No action to contest the validity of a cooperative plan under this section or an amendment to a cooperative plan, regardless of the grounds for the action, may be commenced after 60 days from the date on which the department approves the cooperative plan under sub. (5) or the amendment under sub. (8), respectively. No action relating to compliance with a binding element of a cooperative plan may be commenced later than 180 days after the failure to comply.